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 Shelby Cnty Judge of Probate, AL  
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 CV-2011-900849.00  
 CIRCUIT COURT OF  
 SHELBY COUNTY, ALABAMA  
 MARY HARRIS, CLERK

**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

EQUIVEST FINANCIAL, LLC,	)	
Plaintiff,	)	
	)	
V.	)	Case No.: CV-2011-900849.00
	)	
OWENS WILLIAM T.,	)	
HEATHSOUTH CORPORATION,	)	
THE NORTH SHELBY LIBRARY,	)	
INTERNAL REVENUE SERVICE ET AL,	)	
Defendants.	)	

**Order Granting Motion for Summary Judgment Against William T. Owens, HealthSouth Corporation, and the Alabama Department of Revenue**

This matter came before the Court on January 30, 2013 upon the *Motion for Summary Judgment* (this "Motion") *against William T. Owens, HealthSouth Corporation, The North Shelby Library District, and the Alabama Department of Revenue* filed by the plaintiff Equivest Financial, LLC ("Equivest"). Appearing at the hearing were William S. Hereford, counsel for Equivest, Stephanie Lanier Weems, counsel for the North Shelby Library District (the "Library District"), Kelley Askew Gillikin, counsel for the Alabama Department of Revenue ("ADOR"), and Richard E. O'Neal, counsel for the United States of America ("USA"). The Court having received testimony from Equivest by affidavit, and hearing the arguments and comments of counsel appearing at the hearing, **FINDS** and **ORDERS** as follows:

a. Equivest filed its complaint seeking a declaration of its right, possession, and title to the following described land located in Shelby County, Alabama:

SHELBY COUNTY PARCEL NO.: 58/09/03/08/0/001/001.024

LEGAL DESCRIPTION: LOT 403-A, ACCORDING TO A RESURVEY OF LOTS 402 AND 403, HIGHLAND LAKES, 4TH SECTOR, PHASE 1, AN EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 21, PAGE 44, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA

(the "Property").

b. That at the time of the filing of the Complaint, no suit was pending to test Equivests title to, interest in, or the right to the possession of said Property.

c. That all parties named in this action have been properly served with the Complaint, and it

has been more than thirty (30) days since each of them has been served.

d. That William T. Owens has failed to answer the Complaint or otherwise defend against the allegations in the Complaint.

e. That the Motion is not made against the USA, and so this Order does not address the interest of the USA in the Property.

f. That the ADOR filed an opposition to the Motion, but, through its counsel, withdrew its opposition to the Motion at the hearing.

g. That the Library District filed an opposition to the Motion, and by consent of Equivest and the Library District, through their respective counsel given at the hearing, no ruling is being made in this Order with respect to the claims by Equivest against the Library District.

Based upon the foregoing, the Motion and the pleadings of record in this case, it is hereby **ORDERED, ADJUDGED and DECREED** as follows:

1. The Motion is **GRANTED** as to the William T. Owens, HealthSouth, and the ADOR;
2. With the exception the interest of the USA and the Library District, which interests have not yet been adjudicated, Equivest is the owner in fee simple and entitled to the immediate, exclusive, and peaceable possession of the Property;
3. Any title or interest William T. Owens, HealthSouth, or the ADOR have or claim to have in the Property is hereby **QUIETED** in favor of Equivest;
4. William T. Owens, HealthSouth, and the ADOR have no estate, right of redemption, title, lien, or interest in or to the Property or any part of the Property;
5. This case remains pending against the Library District and the USA; and
6. The costs of these proceedings be taxed as paid.

**DONE this 1<sup>st</sup> day of February, 2013.**

/s/ HEWITT L CONWILL  
**CIRCUIT JUDGE**

**Certified a true and correct copy**  
**Date:** 7/25/13

Mary H Harris  
Mary H Harris, Circuit Clerk  
Shelby County, Alabama

