

State of Alabama Unified Judicial System Form ARCiv-93 Rev.5/99	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case Number: 58-CV-201 Date of Filing: 04/25/2011	 ELECTRONICALLY FILED 4/25/2011 1:04 PM CV-2011-900367.00 CIRCUIT COURT OF SHELBY COUNTY, ALABAMA MARY HARRIS, CLERK
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GENERAL INFORMATION

IN THE CIRCUIT OF SHELBY COUNTY, ALABAMA
ELIZABETH SWAIN v. BISHOP ROBERT LEE IVY


 20140221000048850 1/5 \$26.00
 Shelby Cnty Judge of Probate, AL
 02/21/2014 03:17:15 PM FILED/CERT

First Plaintiff: ☐ Business ☒ Individual ☐ Government ☐ Other	First Defendant: ☐ Business ☒ Individual ☐ Government ☐ Other
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NATURE OF SUIT:

TORTS: PERSONAL INJURY
☐ WDEA - Wrongful Death
☐ TONG - Negligence: General
☐ TOMV - Negligence: Motor Vehicle
☐ TOWA - Wantonnes
☐ TOPL - Product Liability/AEMLD
☐ TOMM - Malpractice-Medical
☐ TOLM - Malpractice-Legal
☐ TOOM - Malpractice-Other
☐ TBFM - Fraud/Bad Faith/Misrepresentation
☐ TOXX - Other: _____

OTHER CIVIL FILINGS (cont'd)
☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture
 Appeal/Enforcement of Agency Subpoena/Petition to Preserve
☐ CVRT - Civil Rights
☐ COND - Condemnation/Eminent Domain/Right-of-Way
☐ CTMP-Contempt of Court
☐ CONT-Contract/Ejectment/Writ of Seizure
☐ TOCN - Conversion
☒ EQND- Equity Non-Damages Actions/Declaratory
 Judgment/Injunction Election Contest/Quiet Title/Sale For
 Division
☐ CVUD-Eviction Appeal/Unlawful Detainer
☐ FORJ-Foreign Judgment
☐ FORF-Fruits of Crime Forfeiture
☐ MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
☐ PFAB-Protection From Abuse
☐ FELA-Railroad/Seaman (FELA)
☐ RPRO-Real Property
☐ WTEG-Will/Trust/Estate/Guardianship/Conservatorship
☐ COMP-Workers' Compensation
☐ CVXX-Miscellaneous Circuit Civil Case

TORTS: PERSONAL INJURY
☐ TOPE - Personal Property
☐ TORE - Real Property

OTHER CIVIL FILINGS
☐ ABAN - Abandoned Automobile
☐ ACCT - Account & Nonmortgage
☐ APAA - Administrative Agency Appeal
☐ ADPA - Administrative Procedure Act
☐ ANPS - Adults in Need of Protective Services

ORIGIN: F ☒ INITIAL FILING R ☐ REMANDED	A ☐ APPEAL FROM DISTRICT COURT T ☐ TRANSFERRED FROM OTHER CIRCUIT COURT	O ☐ OTHER _____
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HAS JURY TRIAL BEEN DEMANDED? ☐ Yes ☒ No

RELIEF REQUESTED: ☒ **MONETARY AWARD REQUESTED** ☐ **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: SWA002	4/25/2011 12:54:03 PM	/s/ WILLIAM E SWATEK
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MEDIATION REQUESTED: ☐ Yes ☒ No ☐ Undecided



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

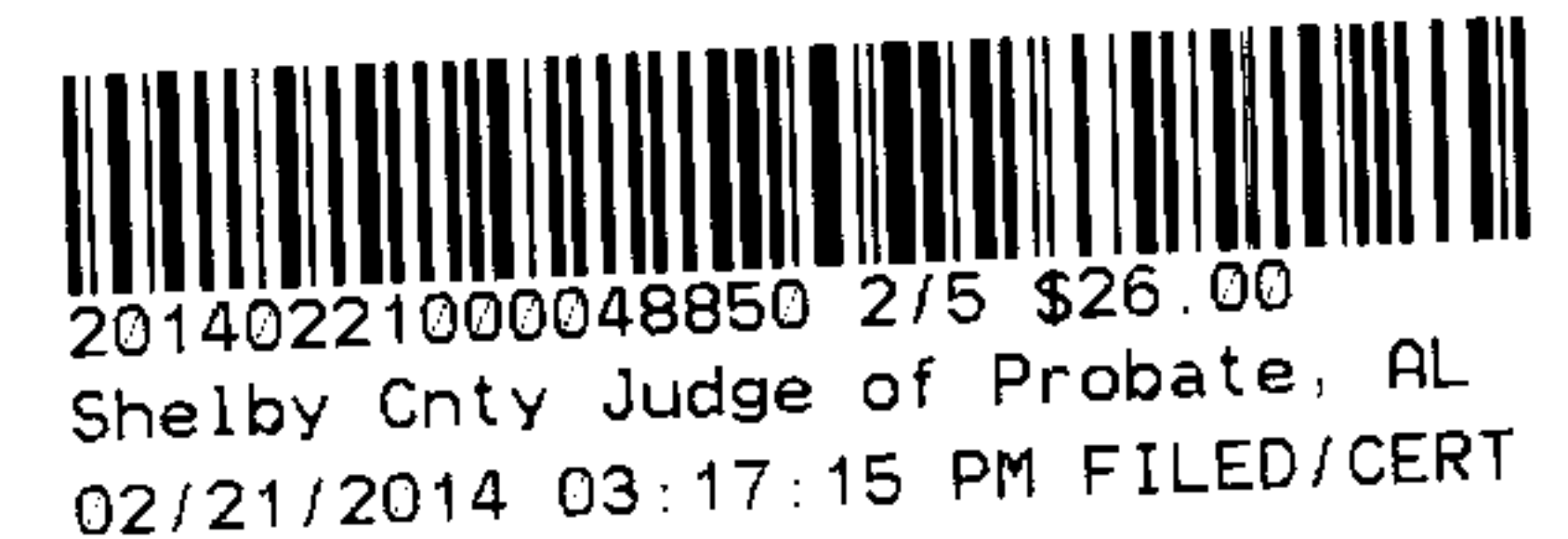
ELIZABETH SWAIN,
Plaintiff,

vs.

The following described property:
NICKERSON ADD TO ALABASTER PT LT 1
BEG 42'(S)E INT S Row 11th AVE SE & E Tow)
10th Ave SE TH E 153.9-140(S) TH S 115° TH)
W 50' THEN S 35' TH W 186-155'(S) TH N39.9)
TH NE 99.56' TH NW 64.15 TO POB)
Personally against Robert Lee Ivy)
and all of their heirs, assigns, devisees,)
and beneficiaries, if deceased, whose)
addresses are unknown to the Plaintiff,)
and any and all unknown parties,)
including any persons claiming)
any interest therein, or who may claim any)
interest in above-described property.)

Case Number:

Defendants.



COMPLAINT TO QUIET TITLE

COMES NOW the Plaintiff, Elizabeth Swain, and brings this action to quiet title of the above-described real property, in *rem* , and in *personam*, and in support thereof alleges as follows:

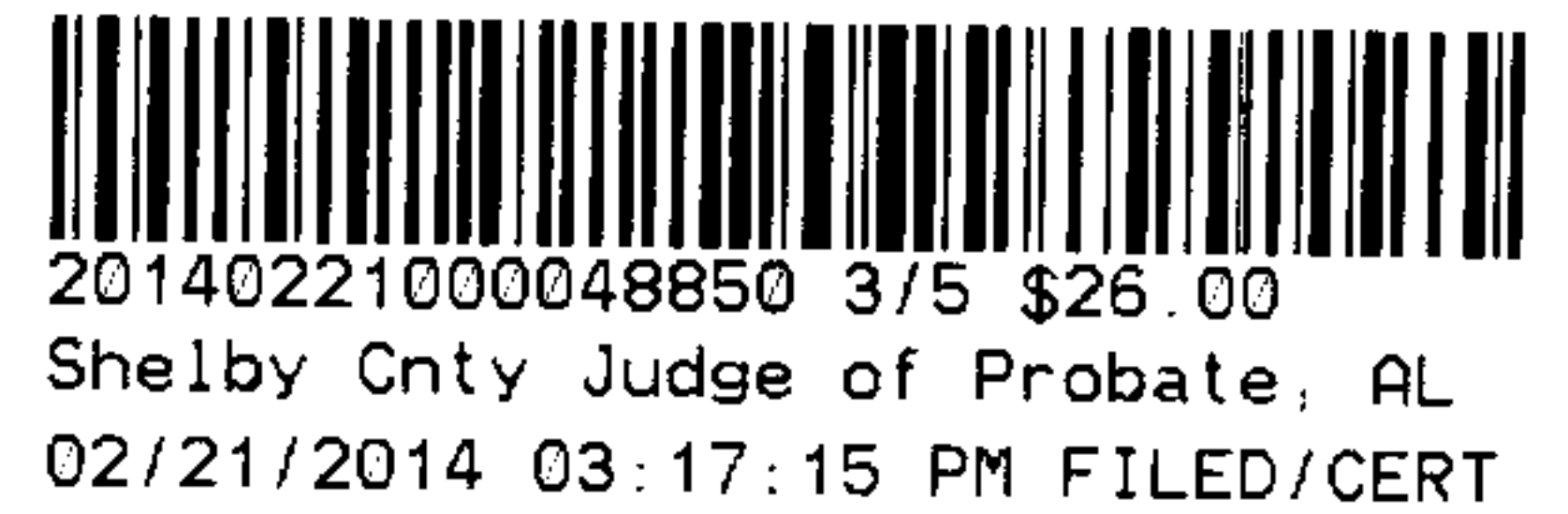
1. The Defendant, Robert Lee Ivy, believed to be a resident citizen of the State of Alabama living at 7810 Southview Lane, Bessemer, AL 35022 in Jefferson County. That Robert Lee Ivy is believed to be the last recorded title owner and otherwise claims some interest in the property herein.

2. That in 2008, Plaintiff herein purchased the within described property from the Defendant, Robert Lee Ivy.

3. That Plaintiff, Elizabeth Swain, has been since 2006 in the actual, open and notorious, exclusive of others, hostile and under claim of right, in continuous

adverse possession of the following described property:

See Exhibit "A" attached hereto.



4. That there are no other named Defendants hereto because the Plaintiff has made diligent inquiry and has not been able to ascertain any other person or persons making claim to or interest in the said land.

5. That the Plaintiff and Defendant, Robert Lee Ivy, entered into a contract dated August 16, 2006, for lease/purchase agreement. Plaintiff has paid to the Defendant, Robert Lee Ivy, in full the purchase price of the property.

6. Plaintiff has made demand upon the Defendant, Robert Lee Ivy, to provide to her a Warranty Deed, conveying to her the property described herein and said Robert Lee Ivy, has failed and/or refused to abide by the agreement and has further failed and/or refused to provide to the Plaintiff the Warranty Deed and has breached said agreement.

7. That the Plaintiff does not know of any persons who claim the above-described land or any part thereof or any title thereto, right or interest therein, lien thereon, or encumbrance thereon, except as shown herein.

8. That no suit is pending to test or determine the title to, interest in, or right of possession of the Plaintiff in or to the land herein described or any part thereof, and that no suit is pending to test or determine any other title to, interest in, or right of possession of the said land or any part thereof.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff files this Petition against the said land and against any or all parties, including any person claiming any present interest therein and including any person claiming any reversionary, remainder, or other interest therein, who may claim interest in this property, to establish the right and title of

the Plaintiff to the said land and to clear up all doubts or disputes concerning the same; and Plaintiff also makes claim against Defendant, Robert Lee Ivy, for breach of contract, and Plaintiff requests that the Defendant be made parties to this proceeding and notice hereof be given by publication, in accordance with law, requiring the Defendants to demur, plead or answer hereto within the time required by law, or suffer default judgment against them; and Plaintiff requests that a guardian *ad litem* be appointed to represent the unknown Defendants; and Plaintiff requests that the Court make and enter all orders, judgments, and decrees that may be necessary or proper in the premises; and upon a final hearing hereon, the Plaintiff requests that the Court make and enter a decree that the Plaintiff has the entire and undivided fee simple interest in the said land, with no restrictions thereon and this Court hereby conveys said property to the Plaintiff by Warranty Deed; and the Plaintiff requests such other, further, different, or general relief to which it may be entitled in the premises; and the Plaintiff offers to do equity in the premises.

/s/William E. Swatek

William E. Swatek (SWA002)
Attorney for Plaintiff
230 Bearden Road
Pelham, Alabama 35124
Phone: (205) 663-0905
Fax: (205) 663-1047
Email: dianna@swateklaw.com

Plaintiff's Address:

Elizabeth Swain
PO Box 36
Saginaw, AL 35137

Serve Defendant:

Robert Lee Ivy
c/o Life Christian Fellowship
2975 Pelham Parkway
Pelham, Alabama 35124



20140221000048850 4/5 \$26.00
Shelby Cnty Judge of Probate, AL
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COLLECTION RECORD - 2005

17099
23-013 002 049 001 REAL
LOCATION:

Receipt Date: 9/27/2005
ASSD. VALUE
TOTAL TAX
DELINQUENT
CITATION
INTEREST YTD ☐ 5.00
ADVERTISEMENT \$54.00
CERT MAIL FEE \$5.00
TAX SALE FEE \$5.00



ELECTRONICALLY FILED
4/25/2011 1:04 PM
CV-2011-900367.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

PRUITT ROSIE B
C/O ROBERT LEE IVY
729 OLD HWY 31
ALABASTER, AL 35007

GRAND TOTAL \$279.72
AMT. PAID \$279.72
BALANCE \$0.00
CREDITS \$0.00
REFUNDS \$0.00

TAX SALE: ☐ LITIGATION ☐ INSOLVENT ☐

TRANSACTION SUMMARY: 5/8/2006 17099 ROBERT LEE IVY \$672.84 \$279.72 CASH
114872*

REASON:

TAX BREAKDOWN:
CITY
COUNTY
DIST SCHOOL
FOREST
SCHOOL
STATE

FUNDS:
\$35.40 ALL MUNICIPAL
\$26.55 COUNTY GENERAL
\$49.56 COUNTY ROAD & BRIDGE FUND
\$0.00 ALL SCHOOL DISTRIBUTIONS
\$56.64 ALL SCHOOL DISTRIBUTIONS
\$23.01 STATE GENERAL
STATE OLD SOLDIER
STATE SCHOOL
FOREST FUND

PAYOUT:
\$35.40
\$17.70
\$8.85
\$49.56
\$56.64
\$8.85
\$3.54
\$10.62
\$0.00

CHECK IMAGE:

Notes Relating to Receipt 17099

Date By Type Notes

LEGAL DESCRIPTION

MAP NUMBER: 23 101 3 000 CODE1: 00 CODE2: 00
SUB DIVISION1: MAP BOOK: 00 PAGE: 000
SUB DIVISION2: MAP BOOK: 00 PAGE: 000

METES AND
BOUNDS:
REMARKS:

NICKERSON ADD TO ALABASTER PT LT 1 BEG 42'(S)E INT S ROW 11TH AVE SE & E ROW 10TH AVE SE TH E 153.9-140(S)TH S 115'
TH W 50' TH S 35TH W 185-155(S) TH N39.9TH NE 99.56TH NW 64.15 TO PUB

Exhibit A



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