



IN THE EIGHTEENTH JUDICIAL CIRCUIT COURT OF ALABAMA
SHELBY COUNTY

EQUIFUNDING, INC.,

Plaintiff,

v.

KEITH ALLEN NICHOLAS, et al.,

Defendants.

20140807000245890 1/4 \$23.00
Shelby Cnty Judge of Probate, AL
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CASE NO. CV 2013-900629

FINAL ORDER

THIS CAUSE came before this Court upon the Verified Complaint for Ejectment and Bill to Quiet Title, as amended by the Amendment to Bill to Quiet Title (collective, the "Complaint") *in rem* filed by EQUIFUNDING, INC. ("Plaintiff"), pleadings filed in support thereof, and Plaintiff's Motion for Entry of Final Decree Quieting Title.

IT APPEARING TO THIS COURT that:

1. This cause seeks to obtain exclusive possession and to quiet in Plaintiff, as against the defendants named herein and all other persons or entities, title to the real property located in Shelby County having parcel number 16-3-05-0-000-001.008, a property address of 102 Maske Lane, Wilsonville, Alabama 35186, and a legal description of:

From the Northwest corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 5, Township 20 South, Range 1 East, run East along the North boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 348.00 feet to the point of beginning; thence, continue in a straight line a distance of 116.68 feet; thence, right 92 degrees 37 minutes 19 seconds a distance of 421.69 feet; thence, right 93 degrees 49 minutes 06 seconds a distance of 112.81 feet; thence, right 85 degrees 47 minutes 59 seconds a distance of 408.86 feet to the point of beginning (the "Property").

2. The Complaint and was duly verified and was filed against the Property and any and all persons claiming any right, title, or interest in the Property, to clear up all doubts or disputes

concerning the same. The Complaint complies with the requirements of Ala. Code Section 6-6-561 (1975).

3. At the time the Complaint was filed, no other suit was pending to test the right, title, or interest in, or the right to possession of, the Property.

4. Plaintiff purchased the Property at a duly held tax sale on May 4, 2009, and obtained a tax deed to the Property on September 25, 2012 (the "Tax Deed").

5. Plaintiff, and no other person or entity, has paid the *ad valorem* taxes on the Property from tax year 2008 to the present.

6. Defendants Keith Allen Nicholas, Anjanette Foster Nicholas, Wells Fargo Bank, N.A., American General Financial Services, Inc., Household Finance Corporation of Alabama, State of Alabama Department of Revenue ("ALDOR"), Billie Pete Foster and Harvey Wade Foster were all formally served with the Summons and Complaint in compliance with the provisions of Ala. Code Section 6-6-564 (1975) and Ala. R. Civ. P. 4.3.

7. Plaintiff exercised diligence to ascertain all facts in regard to the names of all proper defendants, and has named all parties or entities who may claim to have some form of interest in the Property, including parties claiming any present interest therein and including any persons claiming any future, contingent, reversionary, remainder or other interest therein.

8. Defendant ALDOR answered the Complaint on July 19, 2013 and subsequently waived its right, title or interest in the Property and was dismissed from this case by Court order dated March 12, 2014. ALDOR has no further interest in the Property.

9. Keith Allen Nicholas, Anjanette Foster Nicholas (n/k/a Anjanette Foster) Billie Pete Foster, and Harvey Wade Foster were dismissed by this Court on February 11, 2014, the Court determining that none of said defendants have any further right, title or interest in the Property.


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10. Defendants Wells Fargo Bank, N.A., American General Financial Services, Inc., and Household Finance Corporation of Alabama failed to answer, respond, or otherwise defend against Plaintiff's claim. This Court entered default against such defendants on August 7, 2013.

11. In accordance with Ala. Code Section 35-4-131(a), Plaintiff has caused a Lis Pendens, providing notice of the pendency of this *in rem* quiet title action, to be recorded in the Office of the Judge of Probate.

12. In accordance with Ala. Code Sections 6-6-561 and 564 (1975), Plaintiff has caused notice of the pendency of this *in rem* quiet title action to be published in the *Shelby County Reporter*, a newspaper of general circulation published and printed in Shelby County, Alabama, on June 4, 11, 18 and 25, 2014 (the "Publication"), and it has been more than 30 days since the last publication date. The Affidavit of Publication was recorded in the Probate Office in accordance with Ala. Code Section 35-4-131(b) (1975).

13. Except as set forth herein, no person has intervened in this case to deny the allegations of the Complaint and/or demand strict proof thereof or to examine the file in this proceeding, and the allegations of the Complaint accordingly are deemed true.

14. The Complaint does not seek monetary damages against any defendant, and seeks solely possession and quiet title of the Property in favor of Plaintiff.

THIS COURT ADJUDGES AND DECREES as follows:

1. All proceedings regarding the initial sale of the Property on May 9, 2009, and the subsequent issuance of the Tax Deed were completed in conformity with Alabama law.

2. The Publication satisfies the requirements of Ala. Code Sections 6-6-561 and 6-6-564 (1975), and Plaintiff has complied with all other statutory requirements of this *in rem* action to establish title to the Property.



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3. Plaintiff is granted exclusive possession of the Property, and defendants hereby are ejected from the Property. Possession to the Property hereby is vested exclusively in Plaintiff, to the exclusion of any other person or other public or private entity.

4. Keith Allen Nicholas, Anjanette Foster Nicholas, Wells Fargo Bank, N.A., American General Financial Services, Inc., Household Finance Corporation of Alabama, State of Alabama Department of Revenue, Billie Pete Foster and Harvey Wade Foster have no current, future, contingent, or reversionary right, title, or interest in the Property, and no further possessory rights therein.

5. Fee simple title to the Property hereby is fully vested in the Plaintiff and any right, title, and/or interest in the Property claimed by the defendants, or any other person or entity, is hereby extinguished.

WHEREFORE, this Court finds that all matters before this Court in the case have been fully and finally adjudged, and directs the Clerk to cause a certified copy of this decree to be filed in the Office of the Judge of Probate in Jefferson County, and that it be indexed in the name of Equifunding, Inc., with costs thereof taxed as costs of this action. All costs are taxed as paid.

DONE this

6th Day of August, 2014

Certified a true and correct copy

Date: *08/07/14*

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

/s/ [Signature]
CIRCUIT JUDGE



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