



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

EQUIFUNDING, INC.

Plaintiff,

V.

VICTOR BERNARD S.,

VICTOR PAMELA R.,

LAKE FOREST RESIDENTIAL

ASSOCIATION,

INTERNAL REVENUE SERVICE,

ALABAMA POWER COMPANY,

SHELBY COUNTY, ALABAMA ET

AL.

Defendants.

Case No.: CV-2013-900677.00



20141110000353210 1/4 \$23.00
Shelby Cnty Judge of Probate, AL
11/10/2014 09:48:49 AM FILED/CERT

Final Decree

THIS CAUSE came before this Court upon the verified Complaint for Ejectment and Bill to Quiet Title (the "Complaint") *in rem* filed by Equifunding, Inc. ("Plaintiff") and the pleadings and record in this matter; and

IT APPEARING TO THIS COURT that:

1. This cause seeks to obtain exclusive possession and to quiet in Plaintiff, as against the Defendants herein and all other persons or entities, title to the real property that is the subject of this action and which is identified as Shelby County, Alabama parcel ID# 25-5-16-0-001-014,022, which has a street address of 129 Sugarberry Drive, Maylene, Alabama 35114, and a legal description of

Lot 140, according to the Survey of Lake Forest, First Sector, as recorded in Map Book 24, Page 62, in the Probate Office of Shelby County, Alabama (the "Property").

2. The Complaint 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 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 possession of, the Property.

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

5. Plaintiff has paid the ad valorem taxes on the property for tax years 2008 to the present, and no other person or entity has paid the taxes thereon during such time.

6. Defendant Bernard Victor ("Victor") was properly served by certified mail on July 8, 2013, and this Court entered default against such defendant on March 31, 2014. Victor is not in actual, constructive, or scrambling possession of the Property.

7. Defendant Pamela Victor was dismissed from this action on August 1, 2013, pursuant to a Suggestion of Death.

8. Defendant Lake Forest Homeowner's Association ("Lake Forest") was properly served with the Complaint on July 5, 2013, and filed an answer to the Complaint on July 15, 2013 claiming liens for delinquent dues. Plaintiff has paid all delinquent dues and Lake Forest's liens are of no further effect.

9. Defendants the Internal Revenue Service, Alabama Power Company ("APCo"), and Shelby County, Alabama were dismissed from this action pursuant to the terms set forth in the orders entered by this Court on May 22, 2014, October 2, 2013, and February 26, 2014, respectively.

10. Defendant the City of Alabaster ("Alabaster") was properly served with the Complaint on July 5, 2013, and filed an answer thereto on July 19, 2013. Plaintiff does not seek to set aside or otherwise to impede Alabaster's easement interest in the Property as set forth in the instrument recorded in the Office of the Judge of Probate of Shelby County (the "Probate Court") at Instrument #1996-34796 (the "Alabaster ROW"). Alabaster consents to the entry of this decree.

11. 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.

12. The relief requested in the Complaint does not include monetary damages against any defendant, but seeks to quiet title to the Property in favor of Plaintiff.

13. 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 6, 11, 18, and 25, 2014 (the "Publication"), and it has been more than thirty (30) days since the last publication date with no entity or individual coming forward, filing a response, or otherwise presenting or defending any right, title, or interest in the Property. The affidavit of such Publication was recorded in the Office of the Judge of Probate of Shelby County in accordance with Ala. Code Section 35-4-131 (b)(1975).

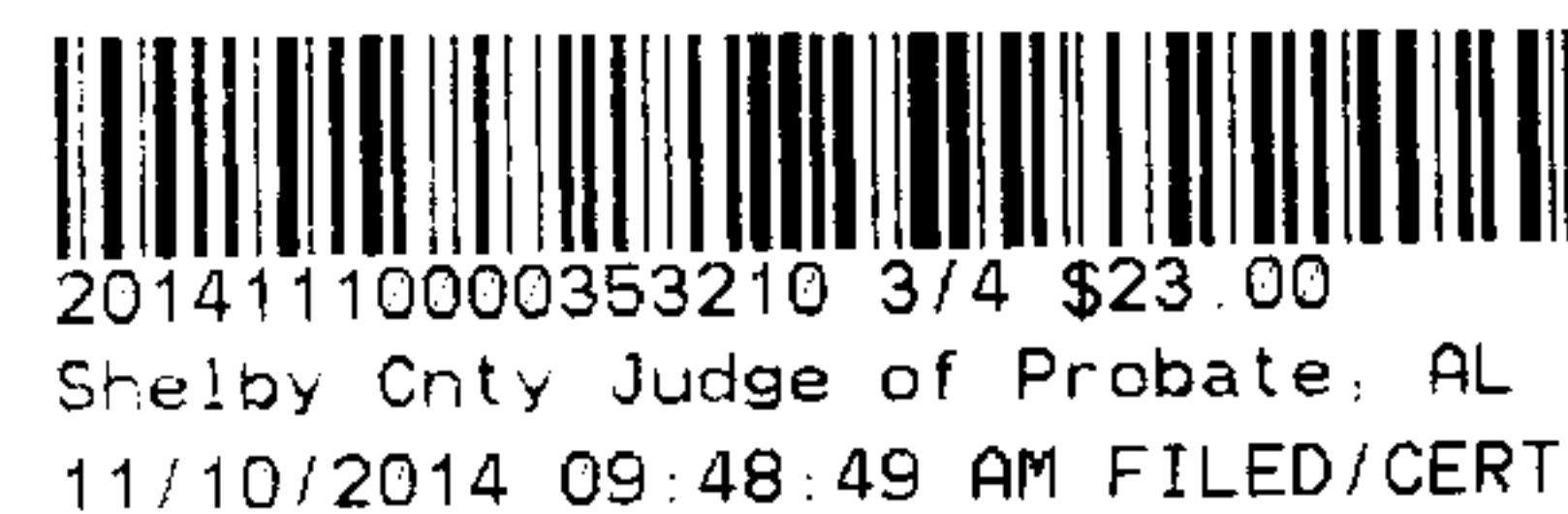
14. Except as set forth herein, no person has intervened in this case to deny the allegations of the Complaint and/or demand strict proof thereof or to examine the file in this proceeding, and the allegations of the verified Complaint are uncontested and deemed admitted.

THIS COURT ADJUDGES AND DECREES as follows:

1. All proceedings regarding the initial sale of the Property on May 4, 2009 and the subsequent issuance of the Tax Deed were completed in conformity with Alabama law.

2. Except as set forth herein, Defendants have no current, future, contingent, or reversionary right, title, or interest in the Property, no right to redeem the Property, no right to any excess bid that may have been paid in connection with any tax sale of the Property, and no possessory rights to the Property.

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



4. Plaintiff is granted exclusive possession of the Property, and Defendants hereby are ejected from the Property. Fee simple title to the Property hereby is vested exclusively in Plaintiff, to the exclusion of any other person or public or private entity, except that such title shall be and is subject to:

- a) Rights of way and/or easements in favor of APCo, as set forth in the Probate Office in Volume 150, Page 89; Volume 142, Page 84 and Volume 124, Page 474.
- b) Rights of way and/or easements in favor of Shelby County as set forth in the Probate Office in Volume 155, Page 437 and Volume 216, Page 571.
- c) Rights of way and/or easements in favor of the City of Alabaster as set forth in the instrument recorded in Instrument No. 1996-34976 in the Probate Office.

WHEREFORE, this Court finds that all matters before this Court in this 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 Shelby 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 November, 2014

Harris
CIRCUIT JUDGE

Certified a true and correct copy

Date: *11/10/14*

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



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Shelby Cnty Judge of Probate, AL
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