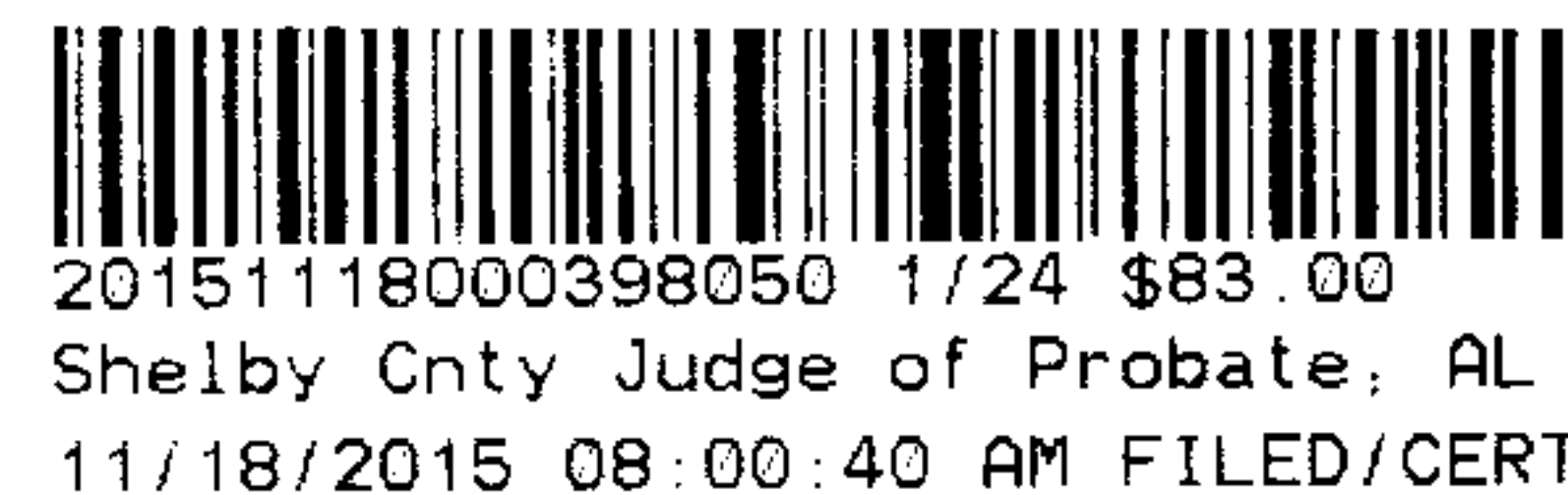


**AFFIDAVIT OF WILLIAM S. HEREFORD**

STATE OF ALABAMA                     )  
   )  
COUNTY OF JEFFERSON                )



Before me, the undersigned authority, personally appeared William S. Hereford, who, is known to me and being by me duly sworn, deposes and says as follows:

1. I am William S. Hereford, a member of the law firm Burr & Forman LLP and am licensed to practice law in the State of Alabama. Bur & Forman LLP represents Propel Financial 1, LLC ("Propel"), successor-in-interest to Plymouth Park Tax Services LLC ("Plymouth"). I make this affidavit with respect to the real property located at 204 Timber Ridge Circle, Alabaster, Alabama 35007, identified by Shelby County Tax Parcel #58/23/07/25/4/002/020.000 (the "Real Property").

2. On May 4, 2009, Plymouth purchased the Property at the the Shelby County tax sale.

3. On or about June 26, 2012, the Probate Court of Shelby County issued to Plymouth a tax deed to the Real Property (the "Tax Deed").

4. On November 22, 2013, Plymouth filed a *Complaint for Declaratory Relief, Ejectment, and Quiet Title* (the "Lawsuit") against Amado Alberto Gutierrez, Marlene Gutierrez, Saenz, United States of America as the federal government and on behalf of its agency the Internal Revenue Service ("IRS"), and the Alabama Department of Revenue ("ADOR"). A true and correct copy of the complaint initiating the Lawsuit is attached hereto as Exhibit A.

5. On June 12, 2014, ADOR filed an amended answer and motion (the "Motion") to be dismissed from the Lawsuit on the basis that it had no interest in the Real Property. A true and correct copy of the Motion is attached hereto as Exhibit B.


6. On June 18, 2014, the Court in the Lawsuit granted ADOR's Motion. A true and correct copy of the Order dismissing ADOR from the Lawsuit is attached hereto as Exhibit C.

7. On or around July 16, 2014, Plymouth transferred its interest in the Real Property by quitclaim deed to Propel. A true and correct copy of the quitclaim deed from Plymouth to Propel relating to the Real Property is attached hereto as Exhibit D.

  
WILLIAM S. HEREFORD, Affiant

Sworn to and subscribed before me  
this the 12<sup>th</sup> day of November 2015.

Susan Ingram Goolsby  
Notary Public State at Large  
My Commission Expires: 8-29-2018

  
20151118000398050 2/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT



ELECTRONICALLY FILED  
11/22/2013 10:04 AM  
58-CV-2013-901362.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

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

**PLYMOUTH PARK TAX SERVICES LLC,**

**Plaintiff,**

**v.**

**AMADO ALBERTO GUTIERREZ, MARLENE  
GUTIERREZ, ISELA SAENZ, THE STATE OF  
ALABAMA DEPARTMENT OF REVENUE,  
AND THE UNITED STATES OF AMERICA,**

**Defendants.**



20151118000398050 3/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

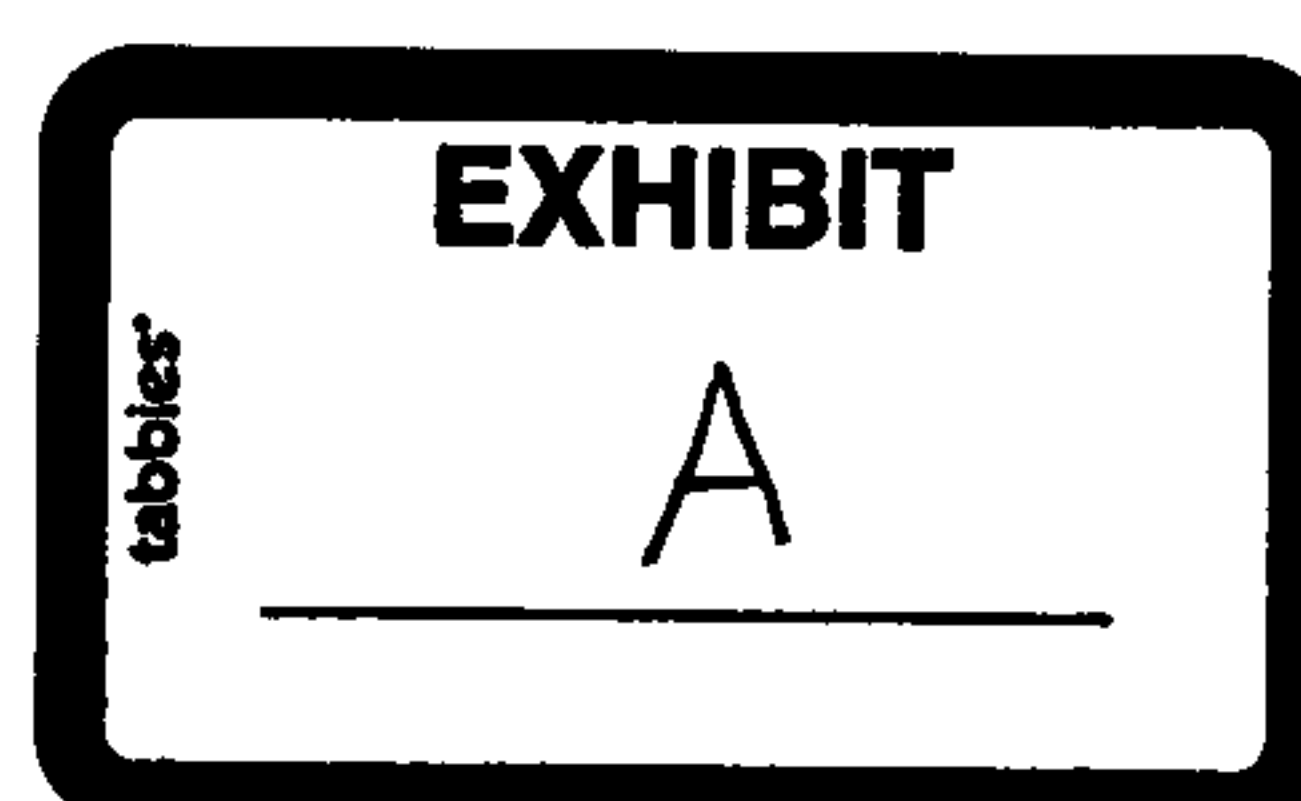
**CIVIL ACTION NO.**

**COMPLAINT FOR DECLARATORY RELIEF, EJECTMENT AND QUIET TITLE**

COMES NOW Plymouth Park Tax Services LLC ("Plaintiff"), and brings this action against Amado Alberto Gutierrez, Marlene Gutierrez (together, the "Gutierrezes"), Isela Saenz a/k/a Isela Saenz Gutierrez ("Saenz"), the State of Alabama Department of Revenue ("Department of Revenue"), and the United States of America as the federal government and on behalf of its agency the Internal Revenue Service (the "U.S. Government") (collectively, the "Defendants"), and states as follows:

**PARTIES**

1. The Plaintiff, organized under the laws of the State of Delaware, is a foreign limited liability company registered to do business as such in the State of Alabama.
2. On information and belief, Amado Alberto Gutierrez is an individual and is presently residing in Jefferson County, Alabama.
3. On information and belief, Marlene Gutierrez is an individual and is presently residing in Shelby County, Alabama.







20151118000398050 4/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

4. On information and belief, Saenz is an individual and is presently residing in Shelby County, Alabama.

5. On information and belief, the Department of Revenue is a governmental agency with its principal place of business located in Montgomery, Alabama.

6. On information and belief, The U.S. Government is a party hereto in its capacity as the federal government of the United States of America and on behalf of its agency the Internal Revenue Service.

### **GENERAL ALLEGATIONS**

7. On information and belief, the Defendants may claim an interest in the property located at 204 Timber Ridge Circle, Alabaster, Shelby County, Alabama, which is more particularly identified and described as follows:

SHELBY CO. PARCEL NO.: 58/23/07/25/4/002/020.000

LEGAL DESCRIPTION: Lot 20, according to the Final Plat of Forest Ridge, as recorded in Map Book 31, Page 2, in the Probate Office of Shelby County, Alabama,

(the "Property").

8. On April 6, 2009, the Probate Court of Shelby County decreed that the Property be sold for unpaid taxes owing to Shelby County and the State of Alabama.

9. On May 4, 2009, the Shelby County Tax Collector's Office did duly and regularly sell to Plaintiff the Property for taxes, costs, and expenses then due to the State and County.

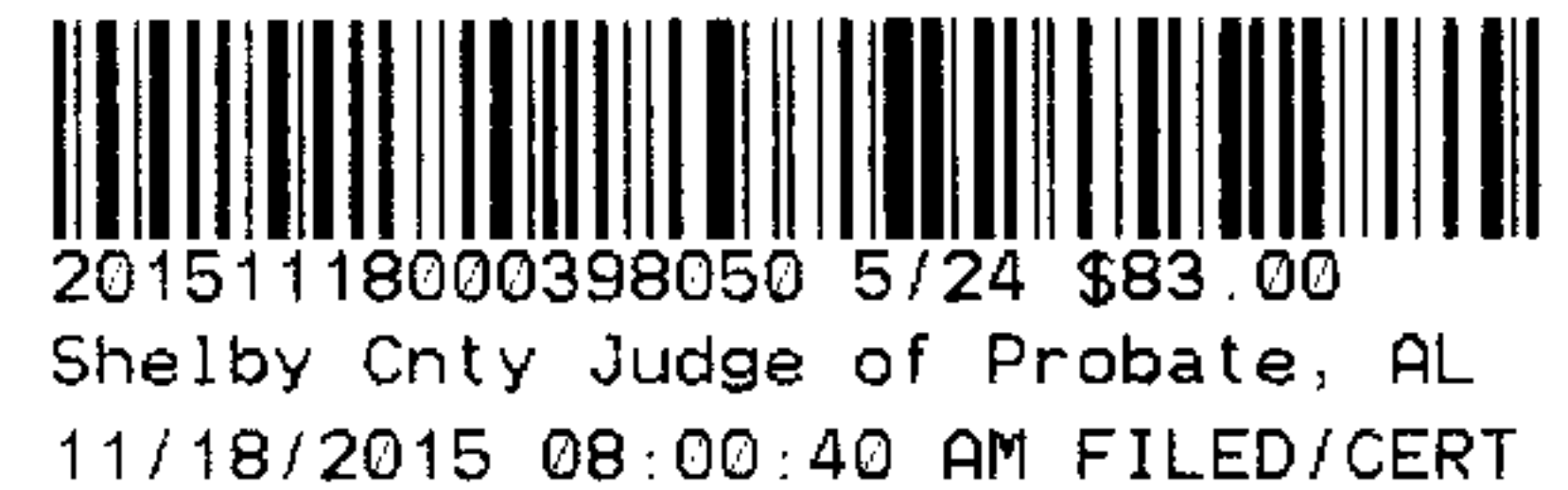
10. On June 26, 2012, the Probate Court of Shelby County issued to Plaintiff a tax deed (the "Tax Deed") to the Property. Exhibit "A" hereto is a copy of the Tax Deed issued to Plaintiff.

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

12. Plaintiff is entitled to exclusive possession of the Property.

**COUNT ONE**

**DECLARATORY RELIEF**



13. Plaintiff realleges and incorporates herein the proceeding paragraphs of the complaint as if fully set forth herein.

14. On information and belief, each of the Defendants are either in possession of the Property, makes a claim for possession of the Property, or may assert an interest in the Property. More specifically, Plaintiff believes that the interest of each of the Defendants in the Property is based on, but not necessarily limited to, the following:

(a) The Gutierrezes may assert an interest in the Property based on that certain quitclaim deed recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument #20100920000308510 (the "Quitclaim Deed"). A true and correct copy of the Quitclaim Deed is attached hereto as Exhibit "B." The Gutierrezes are the grantors in the Quitclaim Deed. However, because they failed to state their marital status in the Quitclaim Deed, said deed may be invalid pursuant to Alabama Code § 35-4-73, and the Gutierrezes may have an interest in the Property.

(b) Saenz may assert an interest in the Property based on: (i) the Quitclaim Deed, and (ii) that certain judgment recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument #20100201000030710 (the "Saenz Judgment Lien"). A true and correct copy of the Saenz Judgment Lien is attached hereto as Exhibit "C."

(c) The Department of Revenue may assert an interest in the Property based on, but not limited to, that certain lien recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument #20120110000012600 (the "Tax Lien"). A true and correct copy of the Tax Lien is attached hereto as Exhibit "D."

(d) The U.S. Government may claim an interest in the Property on behalf of the Internal Revenue Service (the "IRS") based on IRS liens, which were recorded as



(i) instrument #20120110000012340 in the Shelby County Probate Records, (ii) instrument #20130425000168770, in the Shelby County Probate Records, (iii) instrument #20121206001317200, Bk: LR201219, Pg: 24207 in the Jefferson County Probate Records, and (iv) instrument #20130404000325330, Bk: LR201312, Pg: 22140, in the Jefferson County Probate Records. Copies of these liens are attached hereto as Exhibit "E."

15. The Defendants may claim a right to redeem the Property from the tax sale which gives rise to Plaintiff's interest in the Property.

16. The Defendants may dispute Plaintiff's possession or right to possession of the Property.

17. A controversy exists among the parties concerning ownership of the Property, possession of the Property, and the right to redeem the Property from the tax sale.

**WHEREFORE**, Plaintiff requests that the Court enter an order as follows:

- (a) declaring the validity of the May 4, 2009 tax sale;
- (b) declaring whether the Defendants are in possession of the Property;
- (c) declaring the rights of the parties to the Property;
- (d) declaring who is entitled to possession of the Property; and
- (e) granting Plaintiff such other relief as to which Plaintiff may be entitled.

**COUNT TWO**

**EJECTMENT**

18. Plaintiff realleges and incorporates herein the previous paragraphs of this complaint as if fully set forth herein.

19. Plaintiff has legal title to the Property.

20. To the extent the Defendants claim to be in possession of the Property, their possession is unlawful.

21. Plaintiff is entitled to immediate and exclusive actual possession of the Property.

**WHEREFORE**, Plaintiff prays that this Court will enter an order:

- (a) granting Plaintiff exclusive and peaceable possession of the Property;
- (b) ejecting from the Property anyone else having or claiming to have any ownership or possessory interest in the Property; and
- (c) granting Plaintiff such other relief to which it may be entitled.

**COUNT THREE**

**QUIET TITLE**

22. Plaintiff realleges and incorporates herein all preceding paragraphs as if set forth fully herein.

23. Plaintiff claims title to the Property pursuant to the Tax Deed and its right to possession of the Property.

24. Plaintiff has constructive possession by virtue of being the holder of the Tax Deed, and is entitled to peaceable possession of the Property.

25. The Defendants may claim some right, title, or interest in, or encumbrance upon the Property.

26. Plaintiff submits that it is entitled to exclusive possession of the Property, and thus should be entitled quiet title to the Property. Upon the determination that Plaintiff is in peaceable possession of the Property or upon Plaintiff being placed in possession pursuant to an order of this Court, all redemption rights will have been eliminated, and title should be quieted in favor of Plaintiff.

27. The Defendants shall set forth and specify the proper title, claim, interest in, or encumbrance at issue and state how and by what instrument it is derived and created.

28. Upon information and belief, no action presently is pending to test title to the Property.



20151118000398050 8/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

**WHEREFORE**, the Plaintiff requests that the Court enter an order as follows:

- (a) That the Court establish the rights of Plaintiff and all parties to the Property;
- (b) That the Court grant Plaintiff fee simple title in the Property free and clear of all encumbrances and claims of any and all parties in this action, and;
- (c) Granting Plaintiff such other and further relief to which it may be entitled.

  
s/William S. Hereford

William S. Hereford (HER020)

Ellen C. Rains (COR056)

ATTORNEYS FOR PLAINTIFF

OF COUNSEL:

BURR & FORMAN LLP  
420 North 20th Street  
Suite 3400  
Birmingham, Alabama 35203  
Telephone: (205) 251-3000  
Facsimile: (205) 458-5100

**PLAINTIFF REQUESTS THAT THE DEFENDANTS BE SERVED BY CERTIFIED MAIL AT THE FOLLOWING ADDRESS:**

Marlene Gutierrez  
2022 Kerry Circle  
Calera, AL 35040

Amado Alberto Gutierrez  
6706 Rime Village E  
Birmingham, AL 35216

Isela Saenz  
204 Timber Ridge Circle  
Alabaster, AL 35007



State of Alabama Department of Revenue c/o:

Julie P. Magee  
Commissioner of Revenue  
Attn: Legal Division  
50 N. Ripley Street  
Montgomery, AL 36132



20151118000398050 9/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

Office of the State of Alabama Attorney General  
501 Washington Avenue  
Montgomery, AL 36104

United States of America c/o:

Internal Revenue Service  
1555 Poydras Street  
New Orleans, LA 70112

Joyce White Vance, United State Attorney  
c/o Richard O'Neal  
1801 Fourth Avenue North  
Birmingham, Alabama 35203

Eric H. Holder, Jr., U.S. Attorney  
Office of the Attorney General  
Government of the District of Columbia  
One Judiciary Square  
441 4th Street NW  
Suite 1145S  
Washington, DC 20001

20151118000398050 10/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT



ELECTRONICALLY FILED  
11/22/2013 10:04 AM  
58-CV-2013-901362.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

CASE NO. PR-2012-000349



20120713000249570 1/1 \$59.00  
Shelby Cnty Judge of Probate, AL  
07/13/2012 08:05:03 AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, THAT

Whereas, on the 6<sup>th</sup> day of April, 2009 a decree was rendered by the Probate Court of said county for the sale of the lands, hereinafter described, and conveyed for the state and county taxes then due from **GUTIERREZ AMADO ALBERTO & MARLENE GUTIERREZ**, the owners of said land for the costs and expenses thereof and thereunder.

And whereas, thereafter, to-wit, on the 4th day of May, 2009, said lands were duly and regularly sold by the Tax Collector of said county for taxes, costs and expenses, and at said sale **PLYMOUTH PARK TAX SERVICES LLC**, became the purchaser of said lands, at and for the sum of said taxes, costs and expenses, and forthwith paid said sum to said Tax Collector, and received from said Collector a certificate of said purchase.

Whereas, the time for the redemption of said lands by said owners or other persons having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said County.

Now, therefore, I, **James W. Fuhrmeister**, as Judge of Probate, of said County of Shelby, under and by virtue of the provisions of 40-10-29, 1975 Code of Alabama, and in consideration of the premises above set out and in further consideration of the sum of \$5.00 to me in hand paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto said **PLYMOUTH PARK TAX SERVICES LLC**, who is the present owner and holder of said certificate of purchase all the right, title and interest of the said **GUTIERREZ AMADO ALBERTO & MARLENE GUTIERREZ**, owners of aforesaid land, and all the right, title, interest and claim of the state and county on account of said taxes, or under said decree and to the following described lands, hereinafter referred to, to-wit: parcel ID# 58/23/07/25/4/002/020.000 described as:

MAP NUMBER 23 7 25 4 000  
SUB DIVISION1: FOREST RIDGE  
SUB DIVISION2:  
PRIMARY LOT: 20  
SECONDARY LOT:  
SECTION1 25  
SECTION2 00  
SECTION3 00  
SECTION4 00  
LOT DIM1 110.00

PRIMARYBLOCK:  
SECONDARYBLOCK:  
TOWNSHIP1 21S RANGE1 03W  
TOWNSHIP2 00 RANGE2 00  
TOWNSHIP3 00 RANGE3 00  
TOWNSHIP4 RANGE4  
LOT DIM2 152.36 ACRES 0.377 SQ FT 16,431.000

CODE1: 01 CODE2: 00  
MAP BOOK: 31 PAGE: 002  
MAP BOOK: 00 PAGE: 000

being situated in said county and state, to have and to hold the same, the said right, title and interest unto itself the said **PLYMOUTH PARK TAX SERVICES LLC** and its heirs and assigns forever, but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

In testimony whereof, I have hereunto set my hand seal, this the 26<sup>th</sup> day of June, 2012.

Shelby County, AL 07/13/2012  
State of Alabama  
Deed Tax: \$47.00

Judge of Probate

The State of Alabama, Shelby County

I, Lisa Traywick Morgan, a Notary Public in and for said county, in said state, hereby certify that **James W. Fuhrmeister** whose name as Judge of Probate is signed to the foregoing conveyance and who is known to me, acknowledged before me, on this day, that, being informed of the contents of this conveyance, he, in his capacity as such Judge of Probate, executed the same voluntarily, on the day the same bears date.

Given under my hand, this the 26<sup>th</sup> day of June, 2012.

I certify this to be a true and correct copy

6.26.12  
lm

Probate Judge  
Shelby County

Lisa Traywick Morgan - Notary Public  
My Commission Expires: 5/8/2016





EST. VALUE 150, <sup>00</sup>/<sub>00</sub>



20100920000308510 1/2 \$165.00  
Shelby Cnty Judge of Probate, AL  
09/20/2010 02:41:43 PM FILED/CERT

THIS INSTRUMENT PREPARED BY:  
GONZALEZ LAW FIRM, L.L.C.  
128 First Street South  
Alabaster, AL 35007  
Tel: [205] 621-4100

SEND TAX NOTICE TO:  
ISELA SAENZ  
204 Timber Ridge Circle  
Alabaster, AL 35007



20151118000398050 11/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

QUITCLAIM DEED

[TITLE NOT EXAMINED]

KNOW ALL MEN BY THESE PRESENTS, that for in consideration of the sum of Ten Dollars [\$10.00] in hand paid to the undersigned and other Good Consideration, the receipt whereof is hereby acknowledged, the undersigned hereby releases, quitclaims, grants, sells, and conveys to Isela Saenz [hereinafter called Grantee], all their rights, title, interest, and claim in or the following described real estate, situated in Shelby County, Alabama, to wit:

Lot 20, according to the final plat Forest Ridge, as recorded in map book 31, page 2, in the Probate Office of Shelby County, Alabama.

Together with all and singular, the rights and privileges, the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO:

Covenants, restrictions, easements of record and taxes for the current year which grantee herein assume and agree to pay.

30 Foot building line on front 35 foot building line on front and rear and 10 foot building line on sides as shown on the restrictions recorded in instrument 2003020400064510 in the Probate Office of Shelby County, Alabama.

Right of way to Southern Bell Telephone and Telegraph Company recorded in deed book 326, page 577 in the Probate Office of Shelby County, Alabama.

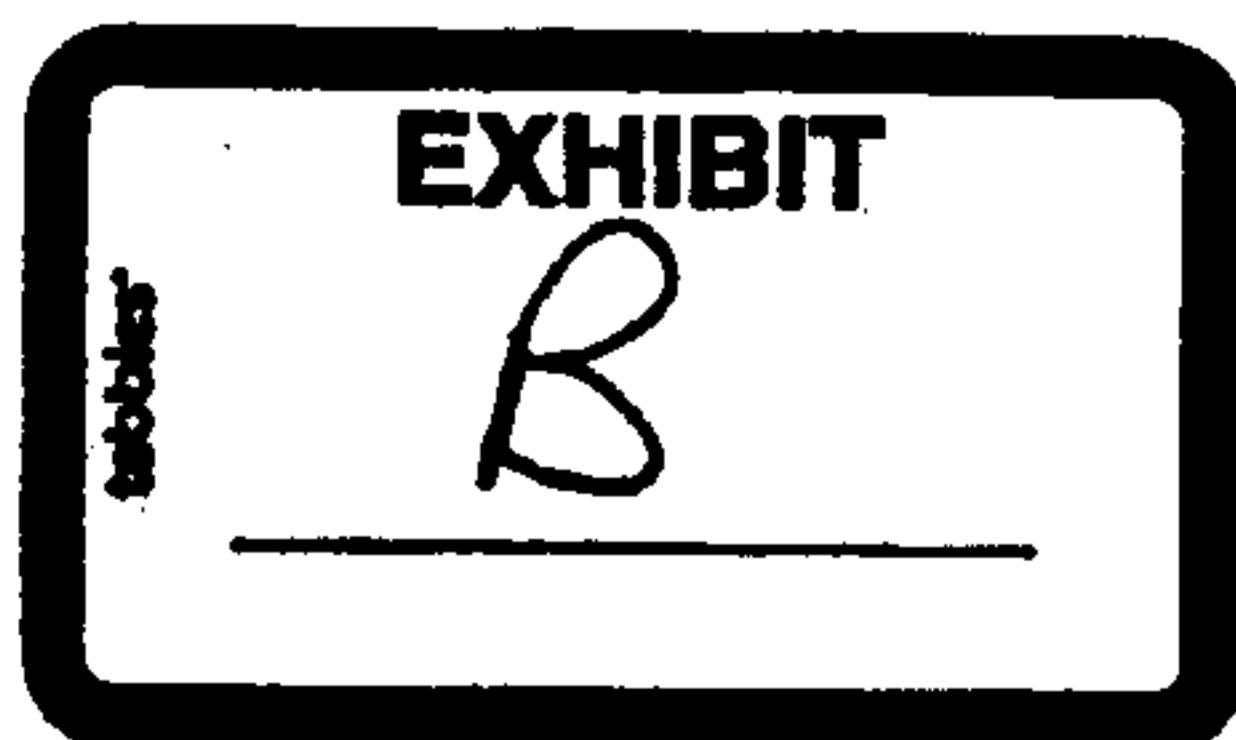
Right of way to Shelby County recorded in deed book 211, page 611 in the Probate Office of Shelby County, Alabama.

Easement as set out in that certain deed recorded in deed book 324, page 506 in the Probate Office of Shelby County, Alabama.

Declaration of protective covenants as recorded in instrument 2003020400064610 in the Probate Office of Shelby County, Alabama.

Shelby County, AL 09/20/2010

State of Alabama  
Deed Tax : \$150.00





20151118000398050 12/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

20100920000308510 2/2 \$165.00  
Shelby Cnty Judge of Probate, AL  
09/20/2010 02:41:43 PM FILED/CERT

Subject to covenants, restrictions, easements, set-back lines, right of ways and conditions of record. Subject to Ad Valorem taxes yet due and payable, Subject to Mineral and Mining rights of record and all rights and privileges incident thereto.

TO HAVE AND TO HOLD, to said Grantee, her heirs and assigns in fee simple forever.

And said Grantors does for themselves, its successors and assigns, covenant with said Grantee, its heirs and assigns, that is lawfully seized in fee simple of said premises, that they are free from all encumbrances, that they has good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall, warrant and defend the same to the said Grantee, his, her or their heirs, executors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantors, Amado Alberto Gutierrez and Marlene Gutierrez who are authorized to execute this conveyance, hereto set their signature and seal this the 25 day of August, 2010.

Amado Alberto Gutierrez  
Amado Alberto Gutierrez [Grantor]  
Address: 1124 Lake drive  
Bessemer AL 35022

Marlene Gutierrez  
Marlene Gutierrez [Grantor]  
Address: 2022 Kimm circle  
Calera AL 35040

STATE OF ALABAMA)  
COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Amado Alberto Gutierrez and Marlene Gutierrez, whose names is signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal, this 25th day of SEPT., 2010.

SEAL:

[Signature]  
Notary Public  
MCE: MAY 13, 2014



20151118000398050 13/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT



20100201000030710 1/1 \$11.00  
Shelby Cnty Judge of Probate, AL  
02/01/2010 01:11:20 PM FILED/CERT

AVSO312

ALABAMA JUDICIAL DATA CENTER  
SHELBY COUNTY  
CERTIFICATE OF JUDGMENT

DR 2008 000239.00

HUB B HARRINGTON

IN THE CIRCUIT COURT OF SHELBY COUNTY

ISELA SAENZ GUTIERREZ VS. AMADO ALBERTO GUTIERREZ

DEFENDANT

GUTIERREZ AMADO ALBERTO  
2022 KERRY CIRCLE

CALERA, AL 35040-0000

PARTY'S ATTORNEY:

SMITHERMAN CHRISTOPHER R  
725 WEST STREET

MONTEVALLO, AL 35115

I, MARY H. HARRIS, CLERK OF THE ABOVE NAMED COURT HEREBY  
CERTIFY THAT ON 09/23/2009 PLAINTIFF, GUTIERREZ ISELA SAENZ RECOVERED  
OF DEFENDANT IN SAID COURT A JUDGMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE  
SUM OF \$2,500.00 DOLLARS PLUS \$.00 DOLLARS COURT COSTS, AND  
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:  
GONZALEZ MARCO ANTONIO

GIVEN UNDER MY HAND THIS DATE 01/28/2010

CLERK: MARY H. HARRIS  
P.O. BOX 1810  
COLUMBIANA AL 35051  
(205) 669-3760

WEBSITE: [HTTP://18JC.ALACOURT.GOV](http://18JC.ALACOURT.GOV)

OPERATOR: KAL  
PREPARED: 01/28/2010

PLAINTIFF'S ATTORNEY:

GONZALEZ MARCO ANTONIO  
U S HWY 31  
128 FIRST STREET SOUTH  
ALABASTER AL 35007





# State of Alabama Department of Revenue

(www.revenue.alabama.gov)

50 North Ripley Street  
Montgomery, Alabama 36132

January 6, 2012

Letter Id: L1637137472

CYNTHIA UNDERWOOD  
Assistant Commissioner

MICHAEL E. MASON  
Deputy Commissioner

## CERTIFICATE OF LIEN FOR TAXES

STATE OF ALABAMA

vs.

AMADO GUTIERREZ  
204 TIMBER RIDGE CIR  
ALABASTER, AL 35007-5028

20151118000398050 14/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

SSN/EIN: XXX-XX-1397  
Type of Tax: Individual Income Tax  
Tax Period(s): FY(s) ending 12/31/2008  
Account Number: IIT-R001827607  
Lien Number: 1941264896

Filed with: **Shelby County**

Amount of Lien: \$12,658.35

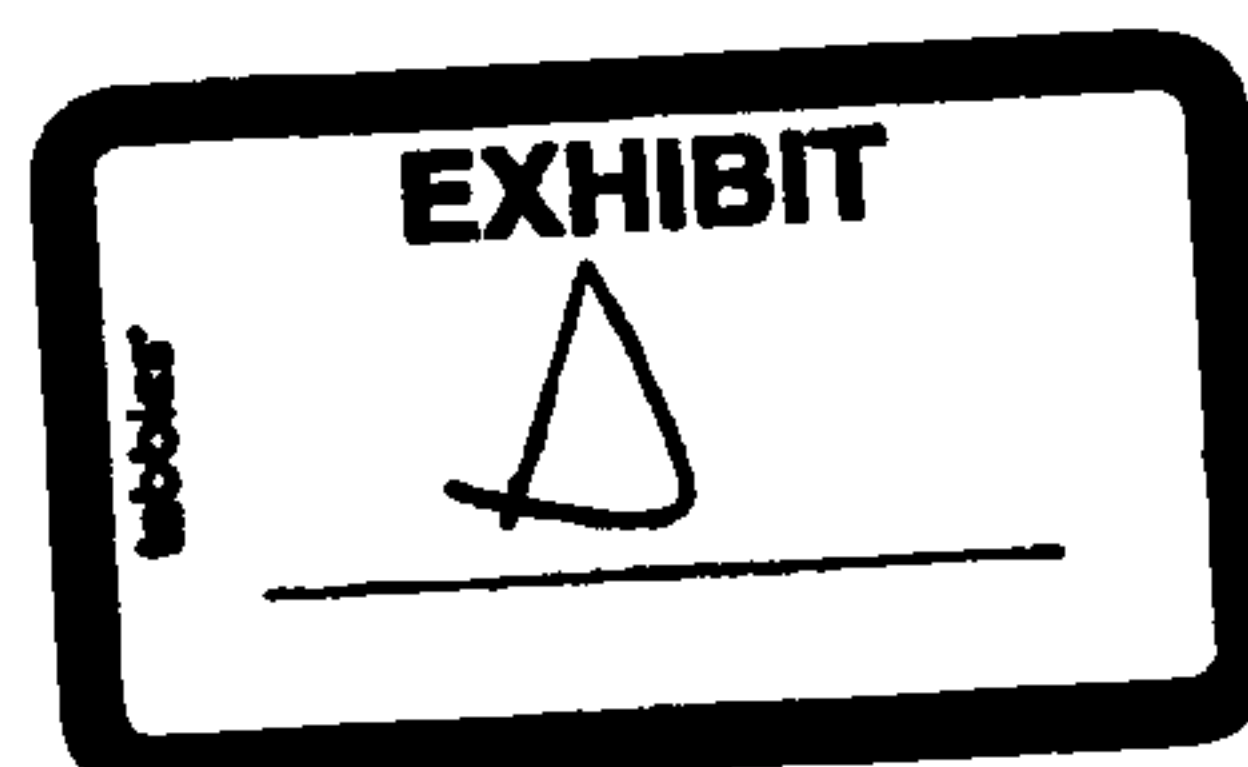
As provided by §40-1-2 and §40-29-20, et seq., Code of Alabama 1975, the Alabama Department of Revenue certifies that the above-named Taxpayer is indebted to the Department of Revenue in the above amount. The State claims a lien upon all property and rights to property belonging to said Taxpayer.

**PROBATE JUDGE:** Please record one copy of this tax lien in the real property records. Return one copy with endorsement and recording data to the Department of Revenue, Collection Services Division, PO Box 327820, Montgomery, AL 36132-7820. Phone: 334-242-1220 Fax: 334-242-8342

**SECRETARY OF STATE:** Please record this tax lien in your UCC records. Return one copy with recording data to the Department of Revenue, Collection Services Division, Room 3143 Gordon Persons Building.

ALABAMA DEPARTMENT OF REVENUE

20120110000012600 1/1 \$.00  
Shelby Cnty Judge of Probate, AL  
01/10/2012 11:21:10 AM FILED/CERT







20151118000398050 15/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

Form 668 (Y)(c) (Rev. February 2004)	11874 Department of the Treasury - Internal Revenue Service <b>Notice of Federal Tax Lien</b>
---	---

Area: SMALL BUSINESS/SELF EMPLOYED AREA #5 Lien Unit Phone: (800) 913-6050	Serial Number 836662711	For Optional Use by Recording Office
--	----------------------------	--------------------------------------

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer ISBLA BAENZ

Residence 204 TIMBER RIDGE CIR  
ALABASTER, AL 35007-5028

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(e).

2012011000012340 1/1 \$20.00  
Shelby Cnty Judge of Probate, AL  
01/10/2012 10:48:04 AM FILED/CERT

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2009	XXX-XX-0538	11/14/2011	12/14/2021	681.04
1040	12/31/2010	XXX-XX-0538	11/21/2011	12/21/2021	522.85

Place of Filing Judge of Probate Shelby County Columbiana, AL 35051	Total \$ 1203.89
--	------------------

This notice was prepared and signed at NASHVILLE, TN, on this,

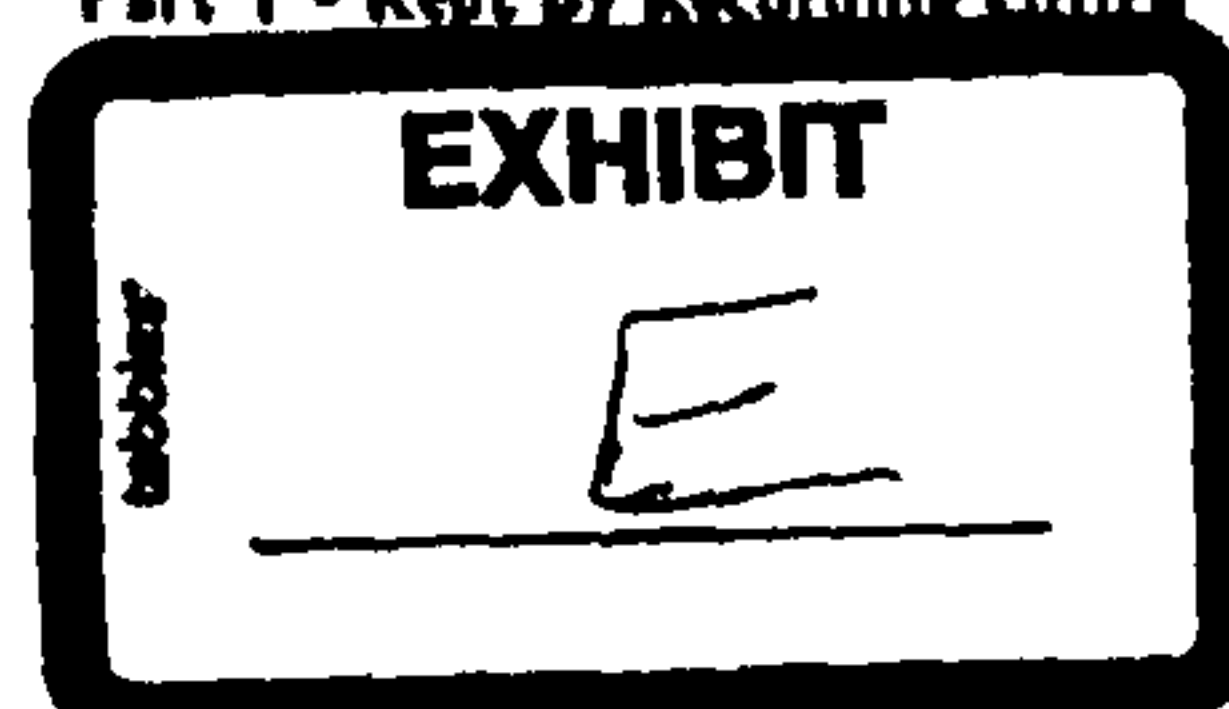
the 15th day of December, 2011.

Signature [Signature] Title  
for LAWRENCE H BARRON REVENUE OFFICER 25-02-3544  
(205) 912-5191

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien  
Rev. Rul. 71-460, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 80025X



Form 668 (Y)(c) (Rev. February 2004)	11874	Department of the Treasury - Internal Revenue Service
	<b>Notice of Federal Tax Lien</b>	

Area: SMALL BUSINESS/SELF EMPLOYED AREA #5 Lien Unit Phone: (800) 913-6050	Serial Number 933434413	For Optional Use by Recording Office
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As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer AMADO GUTIERREZ

Residence 6706 RIME VLG E  
BIRMINGHAM, AL 35216-6177

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

20151118000398050 16/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

20130425000168770 1/1 \$29.00  
Shelby Cnty Judge of Probate, AL  
04/25/2013 01:45:42 PM FILED/CERT

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2008	XXX-XX-1397	04/15/2009	05/15/2019	
1040	12/31/2008	XXX-XX-1397	06/28/2010	07/28/2020	
1040	12/31/2008	XXX-XX-1397	10/29/2012	11/28/2022	76833.65
1040	12/31/2009	XXX-XX-1397	10/29/2012	11/28/2022	56147.97
1040	12/31/2010	XXX-XX-1397	10/29/2012	11/28/2022	19462.48
1040	12/31/2011	XXX-XX-1397	09/03/2012	10/03/2022	5027.12
6721	12/31/2006	XXX-XX-1397	09/14/2009	10/14/2019	1863.00

Place of Filing Judge of Probate Shelby County Columbiana, AL 35051	Total \$ 159334.22
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This notice was prepared and signed at NASHVILLE, TN, on this,

the 12th day of April, 2013.

Signature for CLINT LOTT	Title REVENUE OFFICER (205) 912-5315	25-02-3344
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(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X



Form 668 (Y)(c)  
(Rev. February 2004)

11874

Department of the Treasury - Internal Revenue Service

## Notice of Federal Tax Lien

Area:  
SMALL BUSINESS/SELF EMPLOYED AREA #5  
Toll Free Unit Phone: (800) 829-3903

Serial Number

899405212

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer AMADO GUTIERREZ

Residence 6706 RIME VLG E  
BIRMINGHAM, AL 35216-6177

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040 CIVP	12/31/2008 12/31/2006	XXX-XX-1397 XXX-XX-1397	06/28/2010 09/14/2009	07/28/2020 10/14/2019	66369.4 1830.0

20121206001317200 1/1  
Bk: LR201219 Pg:24207  
Jefferson County, Alabama  
12/06/2012 03:08:23 PM UCC10  
Fee - \$33.00

Total of Fees and Taxes-\$33.00  
HATCHERK

Signature of Filing

Judge of Probate  
JEFFERSON (BIR'HAM) County  
Birmingham, AL 35203

Total \$ 68199.45

Notice was prepared and signed at

NASHVILLE, TN





20151118000398050 18/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

11874

Department of the Treasury - Internal Revenue Service

## Notice of Federal Tax Lien

Form 668 (Y)(c)  
(Rev. February 2004)

Area:  
SMALL BUSINESS/SELF EMPLOYED AREA #5  
Toll Free Unit Phone: (800) 913-6050

Serial Number

926423713

For Optional Use by Recording Office



20130404000325330 1/1  
Bk: LR201312 Pg:22140  
Jefferson County, Alabama  
I certify this instrument filed  
04/04/2013 10:00:56 AM UCC10  
Judge of Probate- Alan L. King

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer AMADO GUTIERREZ

Residence 6706 RIME VLG E  
BIRMINGHAM, AL 35216-6177

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2009	XXX-XX-1397	10/29/2012	11/28/2022	56147.91
1040	12/31/2010	XXX-XX-1397	10/29/2012	11/28/2022	19462.48
1040	12/31/2011	XXX-XX-1397	09/03/2012	10/03/2022	4994.12

20130404000325330 1/1  
Bk: LR201312 Pg:22140  
Jefferson County, Alabama  
04/04/2013 10:00:56 AM UCC10  
Fee - \$33.00

Total of Fees and Taxes-\$33.00  
HATCHERK

Signature of Filing

Judge of Probate  
JEFFERSON (BIR'HAM) County  
Birmingham, AL 35203

Total \$ 80604.57



## AlaFile E-Notice

58-CV-2013-901362.00

Judge: HEWITT L CONWILL

To: HEREFORD WILLIAM SCHLEY  
whereford@burr.com



20151118000398050 19/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

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# NOTICE OF COURT ACTION

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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

PLYMOUTH PARK TAX SERVICES LLC V. MARLENE GUTIERREZ ET AL  
58-CV-2013-901362.00

A court action was entered in the above case on 6/18/2014 1:23:07 PM

ORDER

[Filer: ]

Disposition: GRANTED  
Judge: HLC

Notice Date: 6/18/2014 1:23:07 PM

MARY HARRIS  
CIRCUIT COURT CLERK  
SHELBY COUNTY, ALABAMA  
POST OFFICE BOX 1810  
112 NORTH MAIN STREET  
COLUMBIANA, AL 35051

205-669-3760  
mary.harris@alacourt.gov



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

**PLYMOUTH PARK TAX SERVICE**

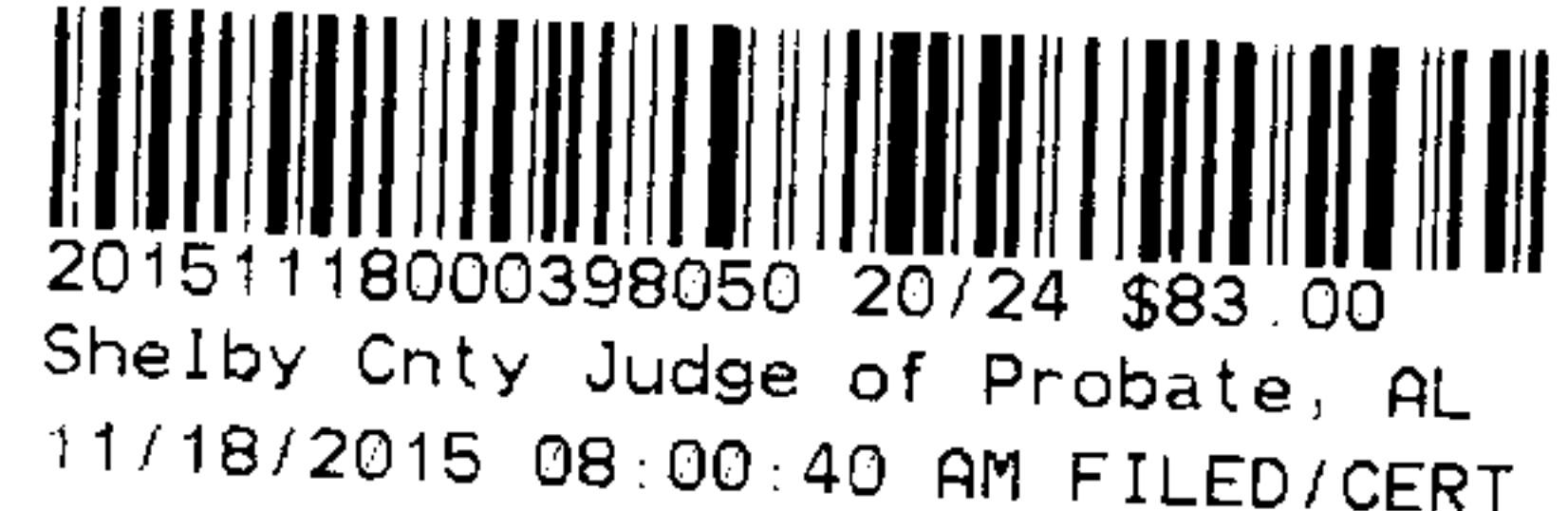
**Plaintiff,**

**vs.**

**AMADO ALBERTO GUTIERREZ,  
MARLENE GUTIERREZ, ISELA SAENZ,  
THE STATE OF ALABAMA  
DEPARTMENT OF REVENUE, AND  
THE UNITED STATES OF AMERICA,**

**Defendants.**

**CIVIL ACTION NO.: 13-901362**



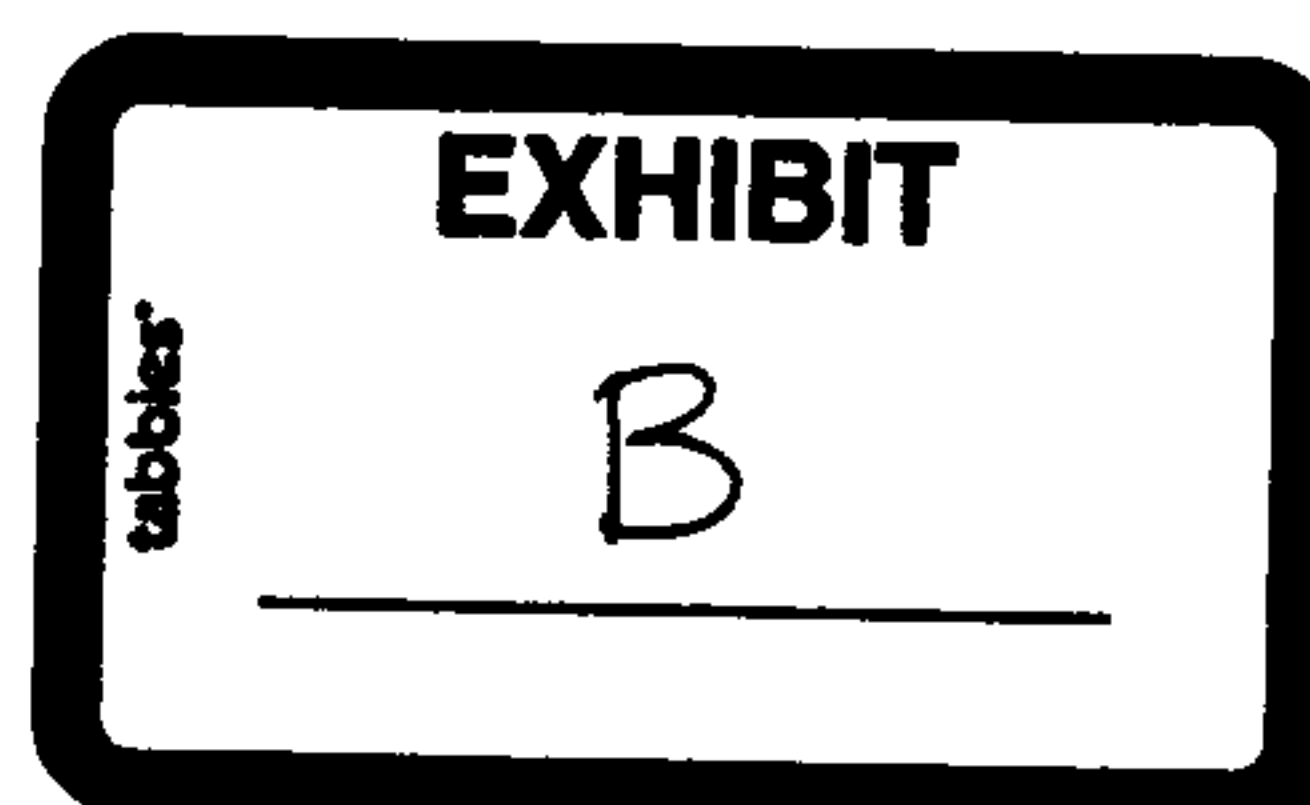
**ALABAMA DEPARTMENT OF REVENUE'S  
AMENDED ANSWER AND MOTION TO DISMISS**

Comes now the State of Alabama hereinafter referred to as "the Department" through its attorney of record, Warren W. Young and submits an Amended Answer and Motion to Dismiss in the above styled matter and states the following:

1. The Department does not assert an interest in the real property indicated in the Complaint for Declaratory Relief, Ejectment and Quiet Title superior to the Plaintiff's interest.
2. Therefore, the Department requests that this this Honorable Court enter an Order dismissing the State of Alabama Department of Revenue as a Defendant.

Respectfully submitted on this the 12<sup>th</sup> day of June 2014.

/s/ Warren W. Young  
WARREN W. YOUNG (YOU042)  
Assistant Counsel, State of Alabama  
Department of Revenue  
P.O. Box 320001  
Montgomery, AL 36132-0001  
Telephone: (334) 242-9690





**CERTIFICATE OF SERVICE**

I certify that I have served the foregoing **AMENDED ANSWER AND MOTION TO DISMISS** upon the following parties:

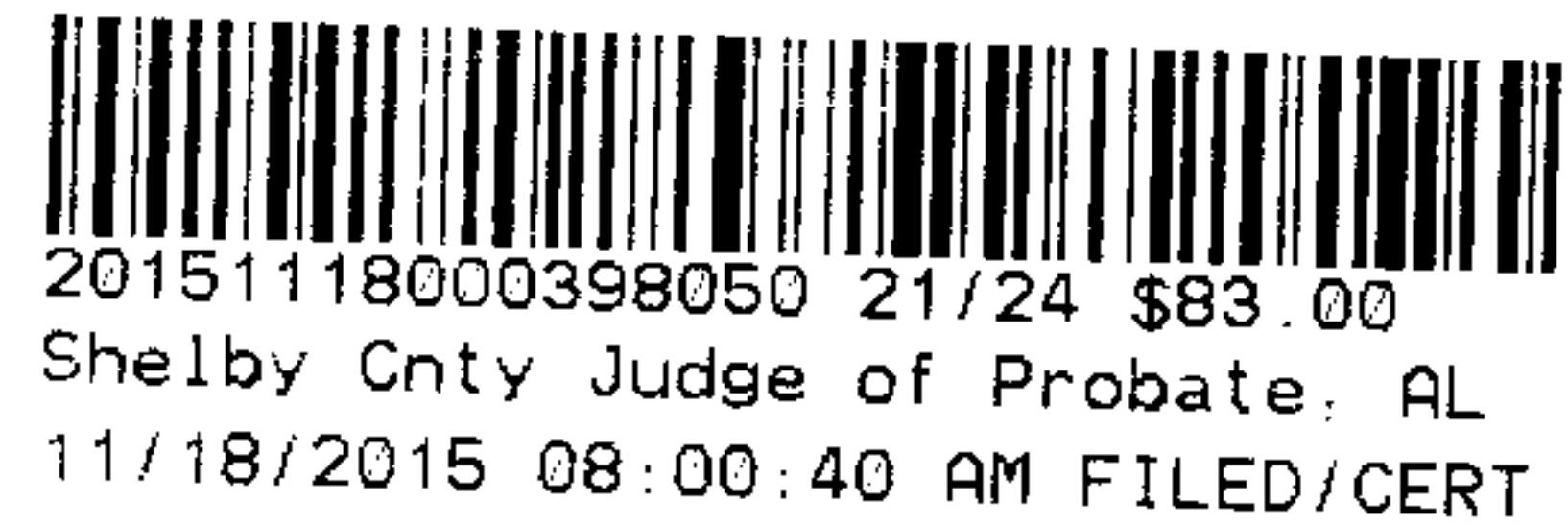
Marlene Gutierrez  
2022 Kerry Circle  
Calera, Alabama 35040

Amado Alberto Gutierrez  
6706 Rime Village E  
Birmingham, Alabama 35216

Isela Saenz  
204 Timber Ridge Circle  
Alabaster, Alabama 35007

Internal Revenue Service  
1555 Poydras Street  
New Orleans, LA 70112

Joyce White Vance, United State Attorney  
c/o Richard O'Neal  
1801 Fourth Avenue North  
Birmingham, Alabama 35203



by placing a copy of same in the United States mail, properly addressed and with first-class postage prepaid this 12<sup>th</sup> day of June 2014.

/s/ Warren W. Young  
WARREN W. YOUNG (YOU042)

OF COUNSEL FOR THE DEFENDANT  
STATE OF ALABAMA  
DEPARTMENT OF REVENUE



ELECTRONICALLY FILED  
6/18/2014 1:23 PM  
58-CV-2013-901362.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK


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

PLYMOUTH PARK TAX SERVICES LLC, )  
Plaintiff, )

V. )

) Case No.: CV-2013-901362.00

GUTIERREZ MARLENE, )  
GUTIERREZ AMADO ALBERTO, )  
SAENZ ISELA, )  
STATE OF ALABAMA DEPARTMENT )  
OF REVENUE ET AL, )  
Defendants. )

  
20151118000398050 22/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

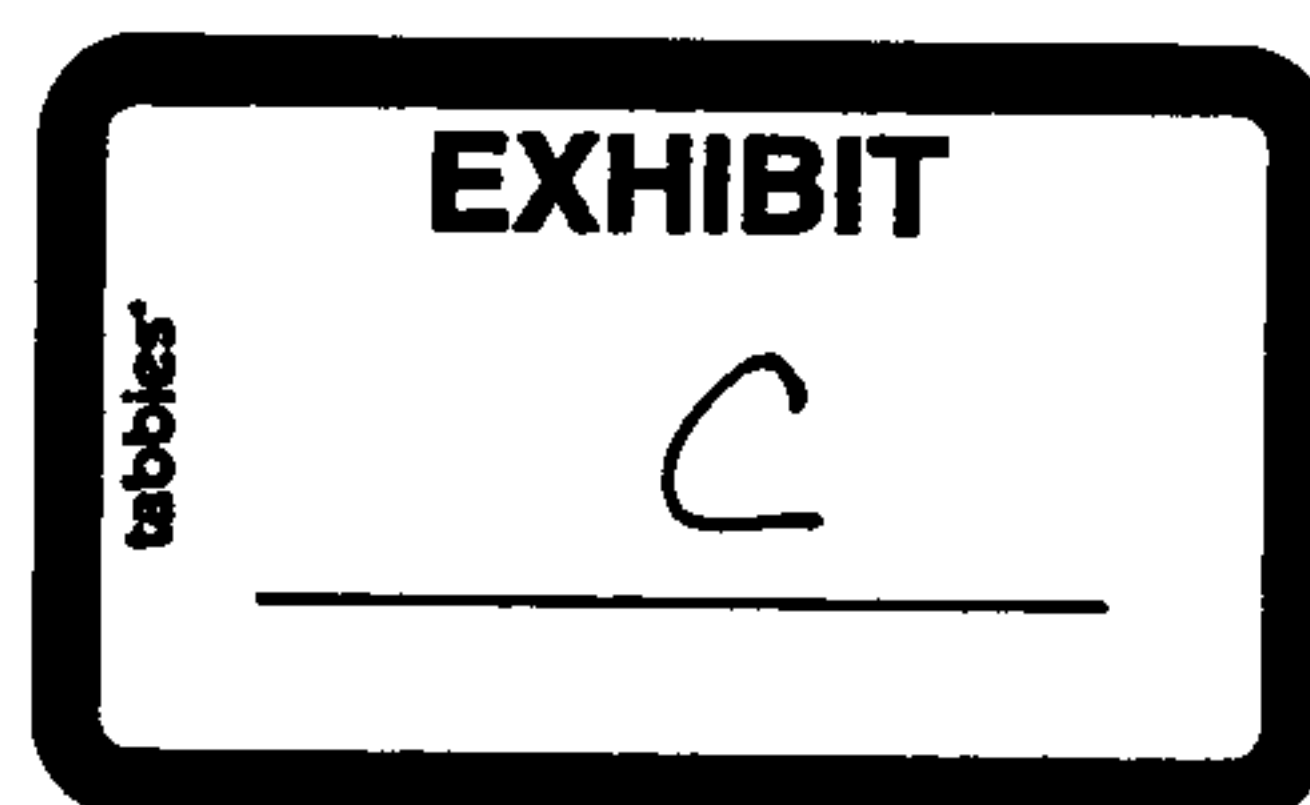
**ORDER**

MOTION TO DISMISS PURSUANT TO RULE 12(B) filed by STATE OF ALABAMA DEPARTMENT OF REVENUE is hereby GRANTED. All claims in this matter against Defendant, the State of Alabama Department of Revenue are hereby DISMISSED.

All other claims remain set for status conference on July 30, 2014 at 9:00 A.M.

**DONE this 18<sup>th</sup> day of June, 2014.**

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



20151118000398050 23/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

20141023000335580 1/3 \$58.00  
Shelby Cnty Judge of Probate, AL  
10/23/2014 01:47:27 PM FILED/CERT  
  
Shelby County, AL 10/23/2014  
State of Alabama  
Deed Tax: \$38.00

STATE OF ALABAMA  
COUNTY OF SHELBY

### QUITCLAIM DEED

PLYMOUTH PARK TAX SERVICES LLC whose mailing address is 300 Convergence Way,  
Floor 1, Whippany, NJ 07981, hereinafter referred to as "Grantor"; and

PROPEL FINANCIAL I, LLC, a Delaware Limited Liability Company, whose mailing address  
is 7990 IH-10 West, Suite 200, San Antonio, TX 78230, hereinafter referred to as "Grantee",

KNOW ALL MEN BY THESE PRESENTS, that, for and in consideration of the sum of Ten and  
00/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency  
which are hereby acknowledged, Grantor does hereby remise, release and quitclaim unto Grantee  
all of their right, title and interest in and to the following described tract or parcel of land, located  
in the County of Shelby, State of Alabama:

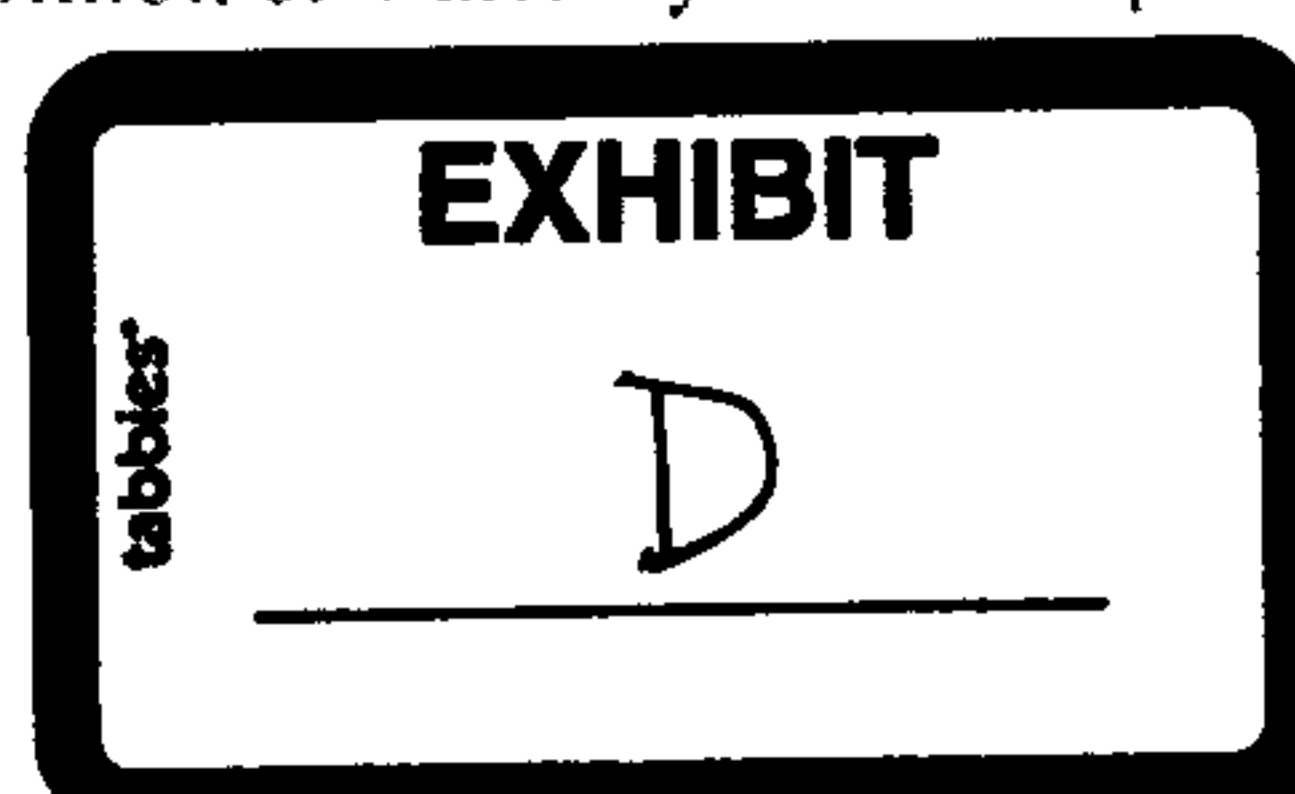
MAP NUMBER	23 7 25 4 000	CODE1: 01	CODE2: 00
SUB DIVISION1:	FOREST RIDGE	MAP BOOK: 31	PAGE: 002
SUB DIVISION2:		MAP BOOK: 00	PAGE: 000
PRIMARY LOT: 20	PRIMARY BLOCK:		
SECONDARY LOT:	SECONDARY BLOCK:		
SECTION1 25	TOWNSHIP1 21S	RANGE1 03W	
SECTION2 00	TOWNSHIP2 00	RANGE 2 00	
SECTION3 00	TOWNSHIP3 00	RANGE 3 00	
SECTION4 00	TOWNSHIP4	RANGE 4	
LOT DIM1 110.00	LOT DIM2 152.35	ACRES 0.377	SQ FT 16,431.000

Being the same property conveyed to PLYMOUTH PARK TAX SERVICES LLC by Deed dated  
June 26, 2012, recorded July 13, 2012, in Instrument No.: 20120713000249570.  
in the Office of the Clerk of the Judge of Probate for Shelby County, Alabama.

Property Address: 206 Timber Ridge Circle, Alabaster, AL 35007  
Tax ID.: 23 7 25 4 002 020.000

This deed conveys any and all interest of Grantor in said property and is delivered WITHOUT  
REPRESENTATION OR WARRANTY REGARDING THE CONDITION OF THE

Prepared by Deeds on Demand, PC  
5029 Corporate Woods Drive, Suite 175, Virginia Beach, VA 23462. 757-321-6936.  
The attorney(ies) who prepared this instrument has/have not performed a title examination of the subject  
property and therefore makes no opinion or warranty as to the quality of title. Order # 1219743







20151118000398050 24/24 \$83.00  
Shelby Cnty Judge of Probate, AL  
11/18/2015 08:00:40 AM FILED/CERT

PROPERTY OF THE TITLE THERETO AND IS FURTHER SUBJECT TO THE  
FOLLOWING:

1. All easements, covenants, conditions and matters of public record and rights or claims of parties in possession whether or not shown by the public records.
2. Easements or claims of easements, whether or not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, or other matters whether or not the same would be disclosed by accurate survey and inspection of the premises.
4. Any lien or right to a lien, for services, labor, or material hereto or hereafter furnished, imposed by law whether or not shown by the public records.
5. Taxes, assessments or dues.

TO HAVE AND TO HOLD to the said Grantee forever.

IN WITNESS WHEREOF, Grantor has hereunto set his respective hand and seal on this 16 day  
of July, 2014.

PLYMOUTH PARK TAX SERVICES LLC

By:

Name:

Title:

Douglas Badaszewski

Vice President

Plymouth Park Tax Services LLC

STATE OF NEW JERSEY  
COUNTY OF MORRIS

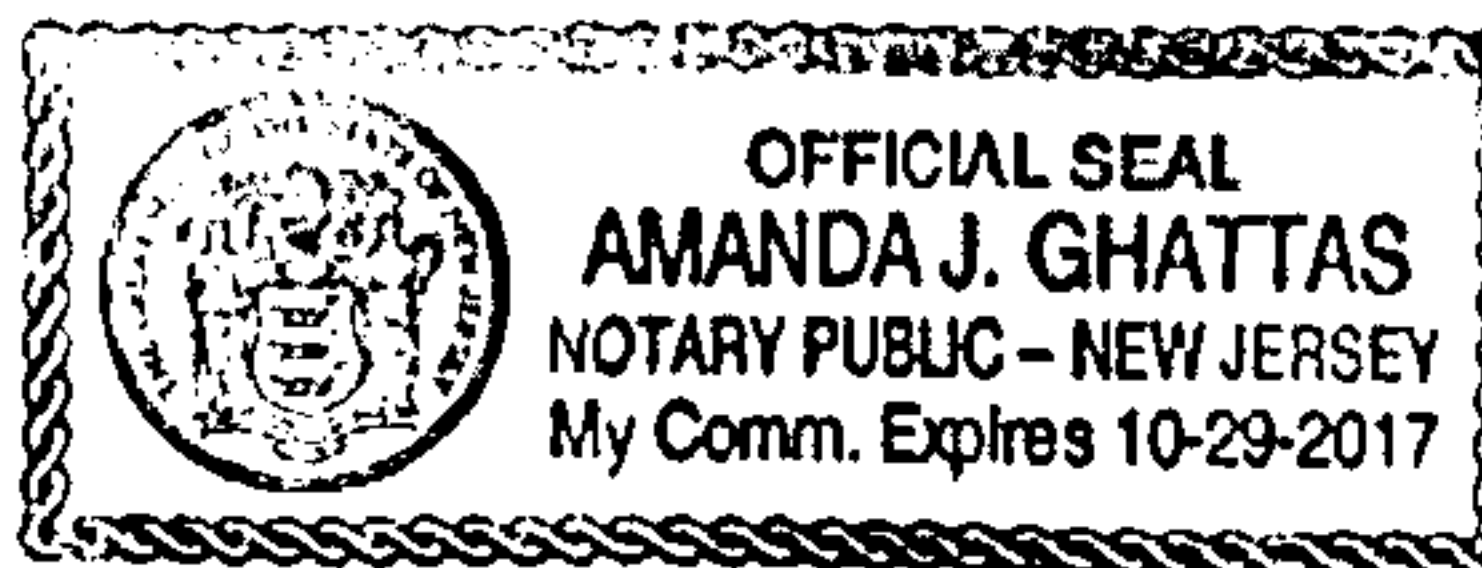
I, the undersigned Notary Public in and for said County and State, hereby certify that  
Douglas Badaszewski as Vice President in  
his/her full and authorized capacity on behalf of PLYMOUTH PARK TAX SERVICES LLC,  
whose name is signed to the foregoing instrument and who is known to me, acknowledged before  
me on this day that, being informed of the contents of the instrument, he/she executed the same  
voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 16th day of  
July, 2014.

Amanda J. Ghattas  
Notary Public

Amanda J. Ghattas  
Print Name

My Commission expires:



This instrument prepared by:

Curtis Hussey, Esq. - Alabama Bar No.: HUS004, P.O. Box 1896, Fairhope, AL 36532  
Deeds on Demand, PC, 5029 Corporate Woods Dr., Ste 175, Virginia Beach, VA 23462

Prepared by Deeds on Demand, PC

5029 Corporate Woods Drive, Suite 175, Virginia Beach, VA 23462. 757-321-6936.

The attorney(ies) who prepared this instrument has/have not performed a title examination of the subject  
property and therefore makes no opinion or warranty as to the quality of title. Order # 1219743



20141023000335580 2/3 \$58.00  
Shelby Cnty Judge of Probate, AL  
10/23/2014 01:47:27 PM FILED/CERT