



ELECTRONICALLY FILED
10/3/2016 11:05 AM
58-CV-2015-900596.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

PHELAN G. WEBB,

Plaintiff,

vs.

**SHELCO LAND COMPANY, INC.,
KYM HOLLAND, PARCEL ID
231012004012 and any and all
unknown parties who claim to
have any interest in and to
the Property,**

Defendants.

CIVIL ACTION NUMBER

CV-2015-900596



20161021000387950 1/3 \$21.00
Shelby Cnty Judge of Probate, AL
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JUDGMENT

This cause came before the Court on Plaintiff's Motion for Default Judgment and Motion for Summary Judgment. Plaintiff, Phelan G. Webb ("Webb"), appeared through counsel. Based upon the pleadings and the submissions of the parties, the Court finds as follows:

Webb filed his complaint in this matter on June 30, 2015, seeking to quiet title to the following described property:

Parcel ID 231012004012

COM NW COR SE1/4 NW1/4 S 305' SELY 144' TO POB
SWLY 75' SELY 200' NELY 210' W 220' SLY 75' TO POB
S1 T21S R3W SCAL DIM 220 X 210 IRR BEAT 7, Shelby
County, Alabama

(the "Property"). Defendant, Reginald Dudley was served with the summons and complaint on March 8, 2016. Dudley has not filed an answer or otherwise appeared in this action.



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The Clerk of the Court published a notice of publication on March 23, 2016, March 30, 2016, April 6, 2016 and April 13, 2016, in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama. The notice of publication states, "All persons having an interest in said lands or any portion thereof, claiming any title thereto or any encumbrance or lien thereon, are hereby directed to plead, answer, demur or otherwise respond to the Complaint on or before the 13TH day of MAY, 2016, else at the expiration of 30 days thereafter suffer judgment by default to be rendered against them it being intended that this notice shall be used to perfect service against all parties who cannot be personally served with a copy of the Complaint." It has been more than thirty days since the 13th day of May, 2016, and no previously unnamed person has filed an answer to Webb's complaint in this action. Accordingly, Webb is entitled to a default judgment against Dudley and all unknown persons claiming an interest in the Property.

The guardian *ad litem* has filed an answer and denial and has actively participated in this action. The Court finds that there are no genuine issues of material fact and Webb is entitled to a judgment as a matter of law. The Court finding that the complaint filed by Webb in this action complies in all respects with the requirements of Ala. Code §§ 6-6-560 and 561, it is the opinion of the Court that Webb is entitled to the *in rem* relief prayed for in the complaint. In addition, the Court finding that the complaint filed by Webb in this action complies in all respects with the requirements of Ala. Code §§ 6-6-540 and 541, it is the opinion of the Court that Webb is entitled to the *in personam* relief prayed for in the complaint against Defendants Shelco Land Company, Inc., Kym Holland and Reginald Dudley.

Accordingly, it is ordered, adjudged and decreed:



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1. Webb has the entire and undivided fee simple interest in and to the Property with no restrictions thereon.

2. The right, title, interest and ownership of Webb in and to the Property is hereby established and forever quieted *in personam* against Defendants Shelco Land Company, Inc., Kym Holland and Reginald Dudley.

3. The right, title, interest and ownership of Webb in and to the property is hereby established and forever quieted *in rem* and against the Property.

4. The Clerk of this Court shall certify copies of this judgment and record the same in the Office of the Judge of Probate of Shelby County, Alabama, and the same shall be indexed in the same books and in the same manner in which deeds are recorded and said judgment shall be indexed in the name of the defendants against whom this relief is granted in the direct index and in the name of the plaintiff in possession of the Property in the reverse index.

5. The guardian *ad litem*, William R. Justice, is awarded the sum of \$ 500.⁰⁰ as a fee for his services rendered in this action.


6. Cost of this action are taxed to Plaintiff.

Done and Ordered this the 3RD day of OCTOBER, 2016.


CIRCUIT JUDGE

Certified a true and correct copy

Date: 10-13-16


Mary H. Harris, Circuit Clerk
Shelby County, Alabama