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58-CV-2017-900954.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**CATHERINE COUSINS and JAMES
ALLEN COUSINS, JR.,**

Plaintiffs,

v.

KRISTIN POWELL,

Defendant.



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Shelby Cnty Judge of Probate, AL
02/20/2018 01:31:54 PM FILED/CERT

CASE NO. CV-2017-900954

ORDER GRANTING SUMMARY JUDGMENT FOR LAND UPON REDEMPTION

This case is before the Court on Motion for Summary Judgment filed by Plaintiffs Catherine Cousins and Allen Cousins, Jr.; Defendant Kristin Powell's Motion to Dismiss; Plaintiffs' Supplement to their motion for summary judgment filed in response to the motion to dismiss; and Defendant's Supplement to her motion to dismiss. The Court, having considered the pleadings and materials submitted by the parties, finds that there are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of law.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows:

1. Defendant's motion to dismiss is denied. Plaintiffs are parties entitled to redeem pursuant to § 40-10-83, Code of Ala. 1975, as amended.
2. Summary judgment is granted in favor of Plaintiffs against Defendant for redemption of the following described real property from tax sale pursuant to § 40-10-83:

Lot No. 14 in Coosa River Estates, situated in the SW ¼ of SE ¼ of Section 12, Township 24 North, Range 15 East, map of said Coosa River Estates being recorded in Map Book 4, page 67, in the Probate Office of Shelby County, Alabama. Excepting the coal, iron ore and other minerals in, on and under said land.

3. Plaintiffs, having paid into court the sum of \$791.64 on October 16, 2017, the total amount necessary to redeem as of that date, are entitled to a judgment for the land described above, divesting out of Defendant all title and interest in the land in accordance with the provisions of § 40-10-83. Therefore, final judgment is hereby entered in favor of Plaintiffs for the real property described above, and all title and interest in the real property is divested out of Defendant. A copy of this final judgment may be recorded in the real property records in the Probate Office of Shelby County, Alabama, as evidence of the redemption.

4. Costs of this action are taxed to the Defendant. The clerk is directed to pay to William R. Justice, attorney for Plaintiffs, the costs incurred by Plaintiffs, and pay to Defendant the remaining balance on deposit with the clerk less any statutory fees or costs to which the clerk is entitled for handling these funds.

5. All other relief requested by any party is hereby denied.

This the 12th day of FEBRUARY, 2018.


Corey B. Moore, Circuit Judge



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