

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

PRESCOTT TYLER MONTANA JUL,
 Plaintiff,

V.

Case No.: CV-2017-900763.00

ROSSER DANIEL P.
 STEWART TITLE GUARANTY
 COMPANY,
 CHRYSLER FIRST FINANCIAL
 SERVICES CORP.,
 AMERICA'S FIRST CREDIT UNION ET
 AL,
 Defendants.

FINAL ORDER FOR EJECTMENT AND QUIET TITLE

THIS CAUSE comes upon the Motion to Set Final Hearing filed by plaintiff Tyler Montana Jul Prescott ("Plaintiff"), the Final Hearing on June 26, 2018, the verified Bill of Complaint for Ejectment and to Quiet Title, the pleadings and record in this matter; and it appearing to this Court that a final decree quieting title to the subject property is due to be issued, this Court FINDS as follows:

1. On August 18, 2017, Plaintiff filed its verified Bill of Complaint for Ejectment and to Quiet Title (the "Complaint") concerning that parcel of real property located in Shelby County, Alabama having Shelby County Parcel Identification No. 58-17-1-01-0-000-008.000, a street address of 1634 Creswell Road, Harpersville, Alabama 35078 and a legal description of:

Lot 1, according to the Survey of Jennings's Subdivision, as recorded in Map Book 4, Page 68, in the Probate Office of Shelby County, Alabama (the "Property").

2. The Complaint was duly verified and was filed against the Property and against 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), et seq.

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. On February 20, 2012, following issuance of the report required by Ala.



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Code Section 40-10-1 (1975) and proper notice pursuant to Section 40-10-4, the Probate Court of Shelby County, Alabama decreed that the Property be sold for unpaid ad valorem taxes owing to Shelby County and the State of Alabama for the 2011 tax year.

5. On April 2, 2012, following the issuance of proper notice and publication, the Shelby County Tax Collector duly and regularly sold the Property to the State of Alabama for taxes, costs and expenses then due to the State and County. A certificate of sale was issued in favor of the State of Alabama, entitling the State of Alabama to possession of the Property.

6. On July 14, 2015, the State of Alabama sold a tax deed to the Property to Plaintiff, which was recorded in the Probate Office on July 20, 2015 as Instrument 20150720000245540 (the "Tax Deed"). Prior thereto, the previous owner or owners' rights of redemption under Ala. Code Section 40-10-120 had expired by operation of law.

7. All proceedings regarding the initial sale of the Property on April 2, 2012, and the subsequent issuance of the Tax Deed were completed in conformity with Alabama law.

8. Plaintiff has paid ad valorem taxes on the Property for tax years 2011 to the present, a period exceeding five years. No other entity or person has paid taxes on the Property during this time period.

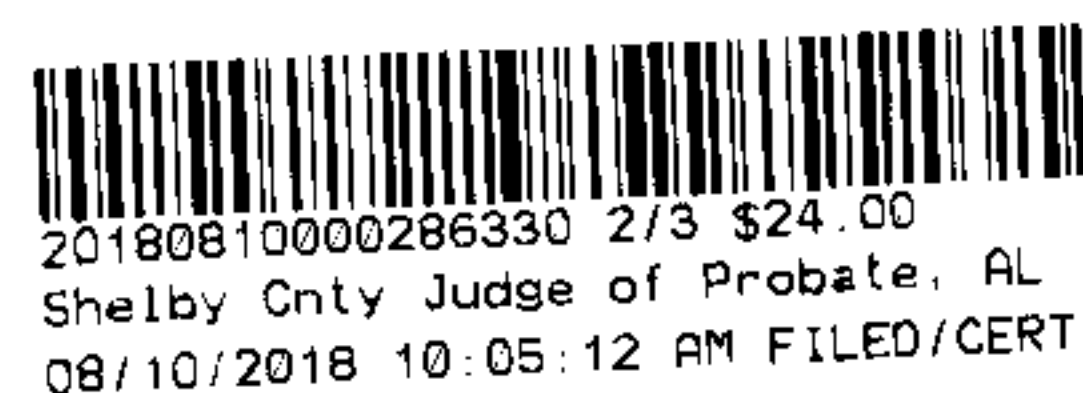
9. All named defendants have been served and either are in default or have been dismissed, except Stewart Title ("Stewart"), which filed its answer on October 13, 2017. Since the filing of its answer, Stewart has released its lien on the Property and on June 26, 2018, Plaintiff filed a motion for pro tanto dismissal of Stewart which is due to be granted.

10. The relief requested in the Complaint does not include monetary damages against any defendant but seeks to quiet title to the Property as against all defendants.

11. Publication of notice of the action, required pursuant to Ala. Code Section 6-6-560, et seq., was complete on May 9, 2018. Thirty (30) days have elapsed since the final publication and no defendant or other person or entity has come forward to oppose or otherwise to defend against Plaintiff's claims. The affidavit of such Publication has been recorded in the Probate Office in accordance with Ala. Code Section 35-4-131(b) (1975).

12. No defendant has any right of redemption.

13. As the Complaint was verified, no further evidence need be presented prior to entry of a final decree granting exclusive possession of the Property to Plaintiff, ejecting all persons or entities from the Property, and quieting title in Plaintiff in rem. in



fee simple.

14. Plaintiff has satisfied all statutory requirements and prerequisites necessary to obtain the relief sought in the Complaint, including giving all notice required by law.

THIS COURT ADJUDGES AND DECREES as follows:

1. Stewart is dismissed from this action, and has no further right, title or interest in the Property.
2. All proceedings regarding the initial sale of the Property by Shelby County and the subsequent issuance of the Tax Deed to Plaintiff were completed in conformity with Alabama law.
3. 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.
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 all Defendants and any other person or entity.

WHEREFORE, this Court finds that all matters before this Court in this case have been fully and finally adjudged, and this cause is FINAL. All costs are taxed as paid.

DONE this 19th day of July, 2018.

/s/ LARA M ALVIS
CIRCUIT JUDGE

Certified a true and correct copy

Date: 08/02/18

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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