

DOCUMENT 15



ELECTRONICALLY FILED
5/29/2019 9:35 AM
58-CV-2019-900230.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY,

PAIGE PHILLIPS,

Plaintiff,

VS.

DAVENPORT BAIL BONDS, LLC,

Defendant.

CIVIL ACTION NO.
58-CV-2019-900230.00

FINAL JUDGMENT

This matter came before the Court on the Plaintiff's Motion for Entry of Final Default Judgment against the Defendant in this case. The Court set this matter for hearing on May 29, 2019, and at the hearing, the Court received evidence and testimony from the Plaintiff in support of her motion. The Court having considered the motion and exhibits and the evidence and testimony provided in open court and finds that the Plaintiff's motion is due to be GRANTED and FINAL DEFAULT JUDGMENT is entered in favor of the Plaintiff Paige Phillips and against the Defendant Davenport Bail Bonds, LLC, as follows:

1. This case was filed on March 8, 2019, and the Defendant was served via Certified Mail on March 14, 2019.
2. The litigation involves property located at 1434 Highway 301, Calera, Alabama 35040, (hereinafter, the "Subject Property") and is legally described as: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ SEC6 T24N R14E, Parcel ID # 34-3-06-0-000-007.000, located in Shelby County, Alabama.
3. The Plaintiff acquired title to the Subject Property through two Administrator's Deeds from her deceased brother's estate, the Estate of Wallace Wheeler Watson, Jr., Probate Court of Jefferson County, Alabama, Bessemer Division, Case No. 18BES00010. Said Deeds were recorded in the Probate Court of Shelby County, Alabama, at instrument numbers

DOCUMENT 15

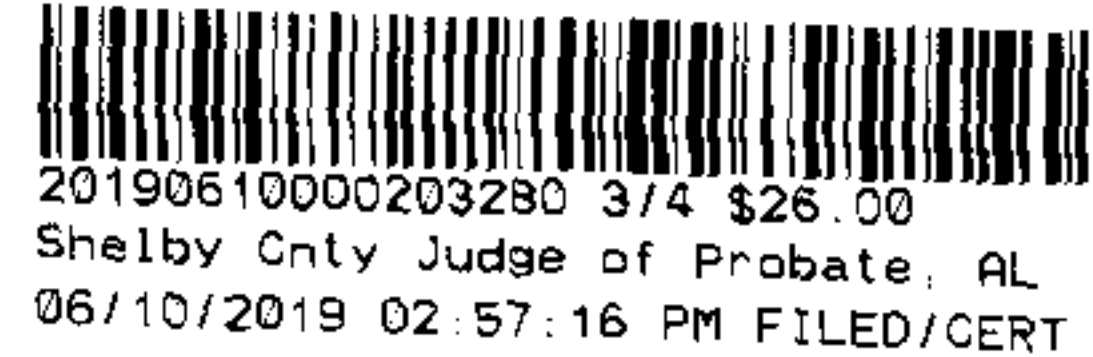
20180718000255780 and 20190118000021040. A copy of said Deeds are attached to the Complaint as Exhibits 1 and 2.

4. In 2010, the Defendant Davenport Bails Bonds, LLC, obtained a Mortgage on the Subject Property from the Plaintiff's now deceased brother Wallace Wheeler Watson, Jr., in the amount of \$61,000 to secure two bail bonds in favor of Wallace Wheeler Watson, Jr. The bail bonds were in the amount of \$60,000 (State of Alabama vs. Wallace Wheeler Watson, Jr., District Court of Shelby County, Alabama, DC-2010-2620 later bound over and filed in the Circuit Court of Shelby County, Alabama, CC-2011-371) and \$1,000 (State of Alabama vs. Wallace Wheeler Watson, Jr., Circuit Court of Shelby County, Alabama, CC-2011-372). The Mortgage was dated July 8, 2010, and recorded on July 8, 2010 in the Office of the Judge of Probate of Shelby County, Alabama, at instrument number 20100708000216990 (hereinafter the "Mortgage"). A copy of said Mortgage is attached to the Complaint as Exhibit 3.

5. The aforementioned criminal actions against the Plaintiff's brother Wallace Wheeler Watson, Jr., were disposed of by the Circuit Court of Shelby County, Alabama, via a guilty plea on November 28, 2011, and he was sentenced to probation. At that time, the bond would have been released by the Court, and the Defendant should have released the Mortgage.

6. The Plaintiff's brother Wallace Wheeler Watson, Jr., died intestate on December 22, 2017. On January 8, 2018, the Plaintiff was appointed Administrator of his estate (Estate of Wallace Wheeler Watson, Jr., Probate Court of Jefferson County, Alabama, Bessemer Division, Case No. 18BES00010). Notice of the pendency of the estate was duly published.

7. Counsel for the Plaintiff went to great lengths to locate and obtain a release of the subject Mortgage from the Defendant. Counsel for the Plaintiff wrote the Defendant Davenport Bails Bonds, LLC, on four separate occasions at every known address of the company, including



DOCUMENT 15

both the address on the Mortgage and the registered address with the Alabama Secretary of State, asking that the Mortgage be released pursuant to Ala. Code § 35-10-26 (1975). The Defendant did not respond to any of the letters.

8. The Plaintiff's counsel also contacted the last known telephone number of the Defendant Davenport Bail Bonds, LLC; however, they were advised that another bail bonding company had "purchased the name" and that Davenport Bail Bonds, LLC, was no longer in business.

9. It is the Plaintiff's understanding and belief that the Defendant's Mortgage was satisfied and is due to be released and that the Defendant does not have any right, title, claim or interest in the real property made the basis of this Complaint. Further, no person or entity, other than the Plaintiff and her brother before her, has had any possession of the property. The Plaintiff testified that she knows of no other suit pending to test or determine the title to, interest in, or right of possession of any person or entity in or to the real property described herein or any part thereof.

10. Pursuant to Ala. Code § 35-10-26 (1975), the Mortgage is due to be released from the Subject Property.

11. Title to the Subject Property is due to be quieted in the Plaintiff's name free and clear of the subject Mortgage.

WHEREFORE, this Court hereby enters Final Default Judgment in favor of the Plaintiff Paige Phillips and against the Defendant Davenport Bail Bonds, LLC, and finds that the Plaintiff Paige Phillips is the owner of said real property in fee simple, free and clear of all claim, interests, liens or encumbrances of the Defendant Davenport Bail Bonds, LLC, and the Court further declares that the Mortgage recorded at instrument number 20100708000216990 in the Probate

20190610000203280 06/10/2019

20190610000203280 4/4 \$26.00
Shelby Cnty Judge of Probate, AL
06/10/2019 02:57:16 PM FILED/CERT

DOCUMENT 15

Court of Shelby County, Alabama, be deemed satisfied and released of record. There being no further relief sought or requested, the Plaintiff is directed to record a certified copy of this Final Judgment in the Probate Court of Shelby County, Alabama, and this matter is dismissed with costs taxed as paid.

DONE AND ENTERED this the 20th day of May, 2019.

CIRCUIT JUDGE

Shelby County, Alabama



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
06/10/2019 02:57:16 PM
\$26.00 CHARITY
20190610000203280

Allen S. Byrd