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58-CV-2012-900949.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WEEKLY TERRI H,
Plaintiff,

V.

PARKSIDE INN, INC.,
SHELBY COUNTY TAX PARCEL ID #
582805220000021,
Defendants.

Case No.: CV-2012-900949.00

JUDGMENT QUIETING TITLE IN REM AND IN PERSONAM

This action came to be heard before the court and was submitted for judgment on the pleadings and *ore tenus* testimony.

Publication of the pendency of this action was made in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, on June 25, 2014, July 02, 2014, July 09, 2014 and July 16, 2014, calling upon the defendants to plead, answer or otherwise defend on or before thirty (30) days from the 15th day of August, 2014. More than sixty days has elapsed from the date of the first publication of said notice.

The defendant, Parkside Inn, Inc., was served by certified mail on December 4, 2012. The defendant, Parkside, Inc. filed an answer by and through its attorney of record on February 13, 2013. As the defendant, Parkside, Inc., was properly served and filed an answer in this action, no guardian ad litem was required in this action. The defendant, failed to appear at trial to defend its claim of ownership of the property. The court finds that the complaint filed in this action complies in all respects with the requirements of Ala. Code §§ 6-6-560 and 6-6-561, it is the opinion of the court that the plaintiff is entitled to the *in rem* and *in personam* relief prayed for in the complaint.

Accordingly, the Court Finds as follows:

1. That the right, title, interest and ownership of the plaintiff in and to the property is hereby established and forever quieted *in personam* against the defendant, Parkside Inn, Inc., and *in rem* and against the property which is more particularly described as follows:

COM E R/W I-65 & W R/W OLD HWY 310
N ALG E ROW I-65 412.73' CO NT ALG
SAID R/W 151.5' NELY 212.82' TO W ROW

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Shelby Cnty Judge of Probate: AL
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OLD CO RD 310 S 221 W 173.15' TO POB S22
 T22S R02W LOT DIM 221.00 by 212.82
 ACRES .8 SQ FEET 34,848
 PARCEL#: 5828052200000210000000

More particularly described as follows:

A lot in the SE 1/4 of the NW 1/4 of Section 22, Township 22 South, Range 2 West, described as follows: Commence at the Northeast corner of the SE 1/4 of NW 1/4 of Section 22 and run West along the North line of the SE 1/4 of NW 1/4 a distance of 287.58 feet to the Southwest right of way line of Old Highway No. 25; thence turn an angle of 36 deg. 13 min. to the left and run along the Southeast right of way line of Old Highway No. 25 a distance of 281.35 feet to the West right of way line of a State Highway County Road Relocation, said point being the point of beginning of lot herein described: thence turn an angle of 61 deg. 42 min. to the left and run along the West Line of said State Highway County Road Relocation a distance of 221.09 feet; thence turn an angle of 79 deg. 57 min. to the right and run 173.15 feet along the North line of O. C. Farris lot to the East right of way line of Federal Highway No. 65; thence turn an angle of 93 deg. 38 min. to the right and run along the East right of way line of said Federal Highway a distance of 151.50 feet to the Southeast right of way line of Old Highway No. 25 as it was before the relocation thereof; thence turn an angle of 68 deg. 07 min. to the right and run along the Southeast right of way line of Highway No. 25 as it was before the relocation thereof for 212.82 feet to the point of beginning; being situated in Shelby County, Alabama

2. The Plaintiff, Roy Weekley, acquired said property by Tax Deed dated April 13, 2007, from the State Land Commissioner of Alabama, as recorded in in Instrument No. 20070423000186350, in the Office of the Probate Office of Shelby County, Alabama.

3. That the Plaintiff has been in continuous, notorious, and open possession of the property since 2007 and has paid taxes on the property from tax year 2007 to date.

4. That no other parties have sought to intervene in this action.

5. That the original Plaintiff, Roy Weekley, died on or about May 16, 2016.

6. Motion for substitution of deceased party plaintiff was made and an order was entered granting substitution of Terri H. Weekley as Plaintiff on September 16, 2018.

7. The clerk of court incorrectly entered the substitute plaintiff's name as Terri H. Weekly and on some entries as Terri K. Weekly instead of Terri H. Weekley. The correct name of the substitute plaintiff is Terri H. Weekley.

8. That the Plaintiff has established by clear and convincing evidence that she is the true and rightful owner of said property.

IT IS ORDERED, ADJUGED, AND DECREED BY THE COURT:

A. That the Plaintiff, Terri H. Weekley, is the true and rightful owner of the property made subject of this suit in fee simple.

B. Costs of this action are taxed to the plaintiff.


C. The clerk of this court shall certify copies of this judgment and record the same in the Office of the Judge of Probate Shelby County, Alabama, and the same shall be indexed in the same books and instruments 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 and in the name of the plaintiff, Terri H. Weekley, who is in possession of the property, in the reverse index.

DONE this 20th day of February, 2019.

/s/ LARA M ALVIS
CIRCUIT JUDGE

Certified a true and correct copy
Date: 2/22/2019

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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