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58-CV-2018-900245.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY,

EQUIVEST FINANCIAL, LLC,
Plaintiff,

V.

LAMBERT JODI R,
THE UNITED STATES,
STATE OF AL DEPT OF REVENUE,
OLD CAHABA RESIDENTIAL
ASSOCIATION ET AL,
Defendants.

Case No.: CV-2018-900245.00

FINAL DECREE QUIETING TITLE

THIS CAUSE came upon Plaintiff's Motion for Entry of Default and Default Judgment (the "Motion") (Doc. 97) against Jodi R. Lambert ("J. LAMBERT") (D001) and Blake Lambert ("B. LAMBERT") (D007), the status conference at which counsel for Plaintiff and no other party appeared, and the pleadings and record in this matter; and

IT APPEARING TO THIS COURT that:

1. Plaintiff filed the Complaint for Ejectment and Bill to Quiet Title ("Complaint") in this matter on March 20, 2018, seeking to quiet title to that parcel of real property located in Shelby County, Alabama and having Shelby County parcel ID 13-4-20-1-006-006.000, a street address of 1121 Old Cahaba Circle, Helena, Alabama 35080, and a legal description of:

Lot 806, according to the Survey of Old Cahaba Sector 8, as recorded in Map Book 26, page 3, in the Probate Office of Shelby County, Alabama (the "Property").

2. The Complaint was duly verified and was filed against the Property and



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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).

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, the Probate Court of Shelby County, Alabama decreed that the Property be sold for unpaid *ad valorem* taxes owing to Shelby County, Alabama and the State of Alabama for the 2011 tax year.

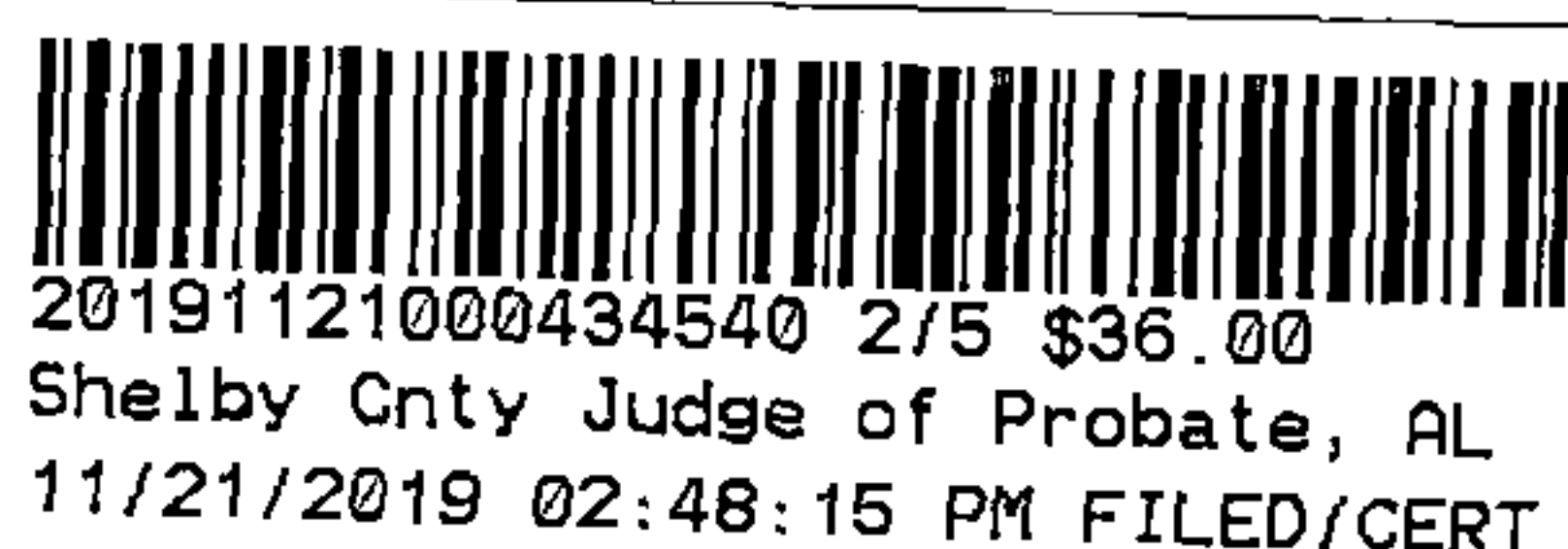
5. On April 2, 2012, the Shelby County Tax Collector duly and regularly sold the Property to Plaintiff for taxes, costs and expenses then due to the State and County. Plaintiff received a certificate of purchase from Shelby County Property Tax Commissioner memorializing the sale.

6. On April 2, 2015, Plaintiff was awarded a tax deed for the Property in compliance with Section 40-10-120, *et seq.* (1975) concerning delinquent taxes and tax sales (the "Tax Deed").

7. Plaintiff paid the *ad valorem* taxes on the Property from tax year 2011 to the present.

8. Plaintiff named herein all parties or entities who at the time of filing, claimed to have some form of interest in the Property. Except as set forth herein, no person has intervened in this case to deny the allegations of the Complaint and/or demand strict proof thereof or to examine the file in this proceeding, and the allegations of the verified Complaint are uncontested and deemed admitted.

9. Defendant THE UNITED STATES (D002) was dismissed by order of this



Court on June 8, 2018 (Doc. 68).

10. Defendant STATE OF ALABAMA DEPARTMENT OF REVENUE (D003) was dismissed by order of this Court on April 12, 2018 (Doc. 24).

11. Default and default judgment were entered against defendant OLD CAHABA RESIDENTIAL ASSOCIATION (D004) by order of this Court on June 8, 2018 (Doc. 66).

12. Defendant SHELBY COUNTY, ALABAMA (D005) was dismissed by order of this Court on May 7, 2018 (Doc. 53).

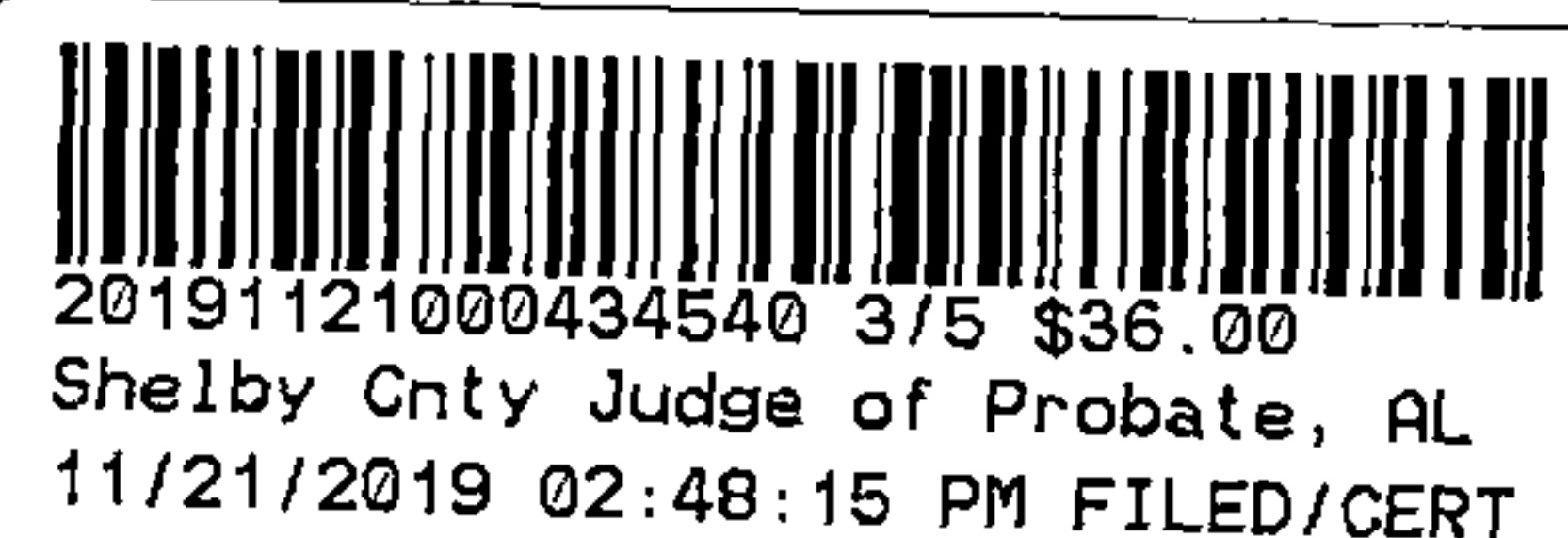
13. Defendant ALABAMA POWER COMPANY (D006) was dismissed by order of this Court on May 10, 2018 (Doc. 60).

14. Plaintiff has exercised diligence to ascertain all facts in regard to the names of all proper defendants, and has named the Property and all parties or entities who may claim to have some form of interest in the Property, including parties claiming any present interest therein and including any persons claiming any future, contingent, reversionary, remainder, or other interest therein. No defendant is an infant, a person having an unsound mind, or unknown.

15. No person nor party has intervened in this case to deny the verified allegations of the Complaint and/or to demand strict proof thereof or to examine the file in the proceeding.

16. No defendant has any further right of redemption.

17. The Tax Deed is proof of the regularity of all proceedings cited therein (Section 40-10-130), and vested in the holder "all the right, title, interest and estate" of J. LAMBERT, whose duty it was to pay the taxes on the Property. Section 40-10-29.



18. The relief requested in the Complaint does not include monetary damages against any defendant.

IT FURTHER APPEARING TO THIS COURT THAT:

19. J. LAMBERT was served with the Summons and Complaint via private process server on April 27, 2018.

20. B. LAMBERT was served with the Summons and Complaint via certified mail on February 22, 2019.

21. Neither J. LAMBERT nor B. LAMBERT is a minor or unrepresented incompetent person.

22. Neither J. LAMBERT nor B. LAMBERT has filed an answer or other pleading or otherwise defended against the allegations in the Complaint, despite the passing of more than thirty (30) days since service.

23. Plaintiff has complied with all statutory prerequisites and requirements necessary to obtain possession and quiet title as to J. LAMBERT and B. LAMBERT.

24. All proceedings regarding the initial sale of the Property, the subsequent issuance of the Tax Deed, and delivery of notices, were completed in conformity with Alabama law.

25. Defendants, whether specifically named herein, have no current, future, contingent, or reversionary right, title, or interest in the Property, no right to redeem the Property, and no possessory rights to the Property.

26. Fee simple title to the Property hereby is vested exclusively in Plaintiff to the exclusion of all Defendants; it is therefore

ORDERED, ADJUDGED AND DECREED that the Motion is granted. Exclusive

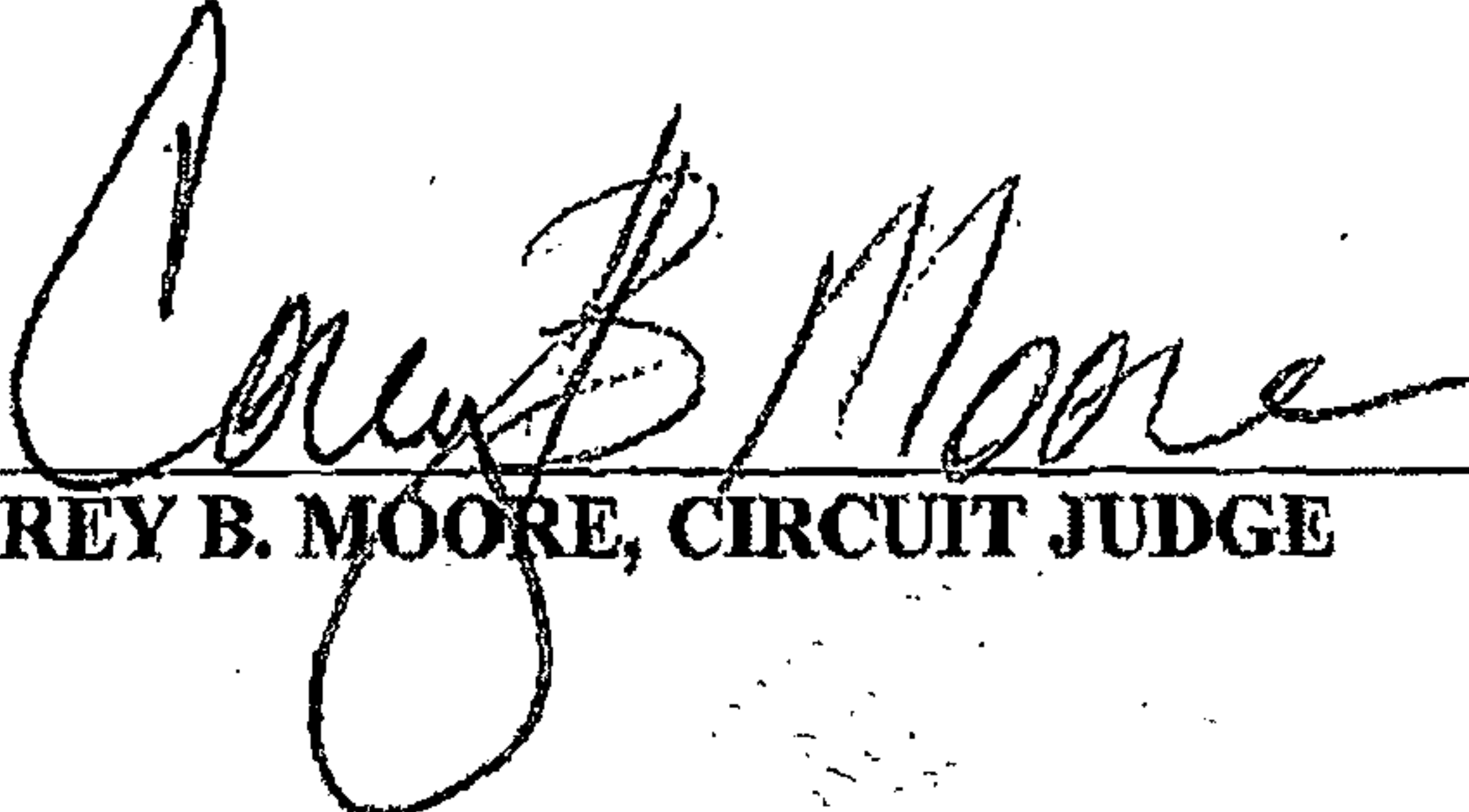


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possession of the Property is awarded to Plaintiff. B. LAMBERT and J. LAMBERT, along with the other defendants, are ejected from the Property. Fee simple title to the Property hereby is quieted in Plaintiff as against B. LAMBERT and J. LAMBERT and all other defendants herein. Any current, future, contingent or reversionary right, title or interest in the Property, any right to possession of the Property, and any right to redeem the Property are hereby extinguished as to B. LAMBERT AND J. LAMBERT and any other defendant, and vested in Plaintiff.

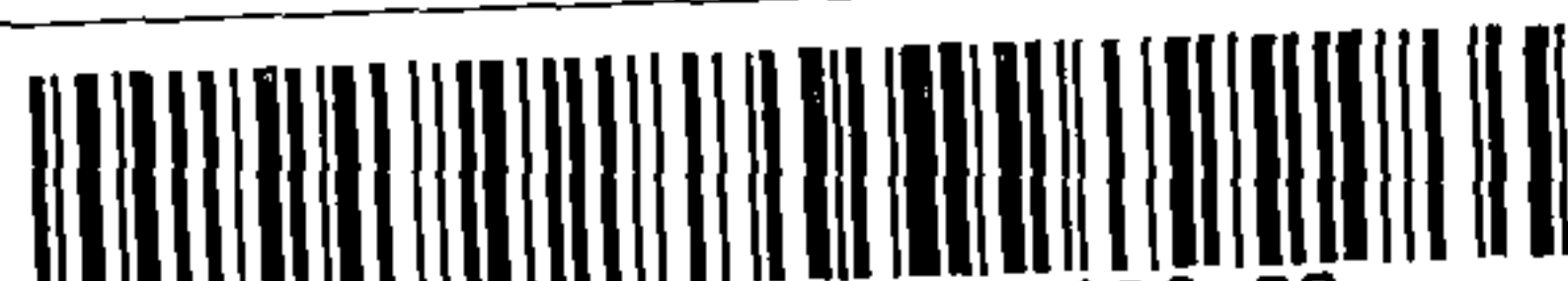
WHEREFORE, this Court finds that all matters before this Court in this case have been fully and finally adjudged and directs the Clerk to issue a certified copy of this decree to Plaintiff, to be recorded in the Probate Office, with costs thereof taxed as costs of this action. All costs are taxed as paid. There being no just reason for delay, this order is final in accordance with Ala. R. Civ. P. 54(b).

DONE this 7th day of November, 2019.


COREY B. MOORE, CIRCUIT JUDGE

Certified a true and correct copy
Date: 11-8-2019

Mary H. Harris, Circuit Clerk
Shelby County, Alabama



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