



ELECTRONICALLY FILED
12/6/2019 9:36 AM
58-CV-2019-900429.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, A

**LADYBUG PROPERTIES, LLC, KEVIN GIBSON and
KARI GIBSON,**

Plaintiffs,

v.

**LOT 103, ACCORDING TO THE SURVEY OF
BALENTREE LAKE, FIRST ADDITION, AS RECORDED
IN MAPBOOK 22, PAGE 80, IN THE PROBATE OFFICE
OF SHELBY COUNTY, ALABAMA.**

v.

**UW TRUST COMPANY f/k/a STERLING TRUST
COMPANY, a wholly owned subsidiary of EQUITY TRUST
COMPANY, ALBERT JAMES KNIGHT, his successors
and/or assigns, heirs and devisees, if deceased; & ALAN
BURNS, his successors and/or assigns, heirs and devisees, if
deceased; and fictitious Defendants, A, B, C, & D being those
person or entities claiming any present, future, contingent,
remainder, reversion or interest in said lands**

Defendants.

CV-2019-900429

ORDER

THIS CAUSE comes before the Court on Plaintiff's Motion for Default Judgment against the Defendant, UW Trust Company, f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company. The Court takes judicial notice of the court file and has read and considered the aforementioned motion and the affidavit of William A. Ellis, counsel for the above captioned Plaintiff. Based on the pleadings and evidence submitted herein, the Court finds the following:

1. On or around June 12th, 2003, Max C. Pope, in his capacity as U. S. Bankruptcy Trustee, for the estate of Royal Construction and Development, Inc., and Nathan E. Gilbert was ordered to sell an undivided interest in the following property ("Property"):
LOT 103, ACCORDING TO THE SURVEY OF BALENTREE LAKE, FIRST ADDITION, AS RECORDED IN MAPBOOK 22, PAGE 80, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA

2. On January 27, 2004, , Max C. Pope, in his capacity as U. S. Bankruptcy Trustee, for the estate of Royal Construction and Development, Inc., and Nathan E. Gilbert sold and conveyed all rights, title and interest in the property to STERLING TRUST COMPANY for the equal benefit of Albert James Knight and Alan Burns.
3. That on or around June 27, 2009 STERLING TRUST COMPANY changed its name to UW TRUST COMPANY and its assets were acquired by the EQUITY TRUST COMPANY.
4. EQUITY TRUST COMPANY has been duly served with the Summons and Complaint in this matter. The Defendant is neither an infant nor a unrepresented incompetent person. The Defendant failed to file an answer within the requisite time or otherwise plead.
5. At the time of the filing of the Complaint, Plaintiff claimed in its own right the fee simple title to, and was in actual possession of, the Property.
6. That at the time of the filing of the Complaint, no suit was pending to test the Plaintiff's title to, interest in, or the right to possession of said land.
7. That the Plaintiff's Complaint was filed against said land and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such land or interest, and to clear up all doubts or disputes concerning the same, and that said Complaint did in all respects comply with the provisions of the Code of Alabama (1975) § 6-6-651.
8. That Plaintiff named in the Complaint all Defendants known to Plaintiff after the exercise of due diligence. That the Plaintiff complied with all of the provisions of the law relative to this proceeding in rem to establish title to the land named herein.

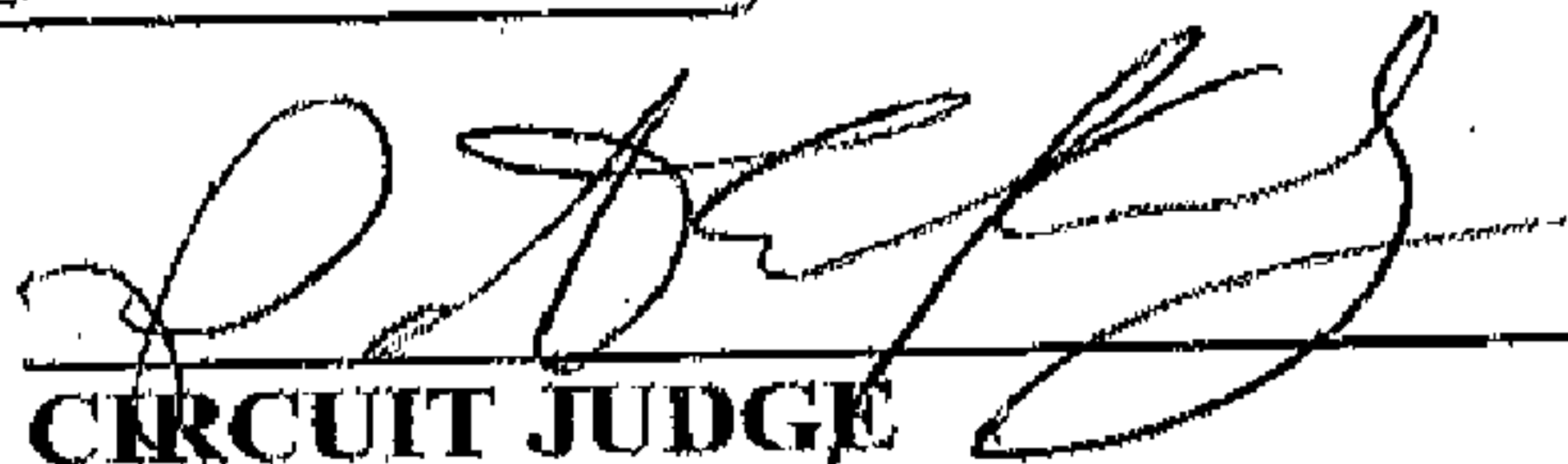
It is therefore ORDERED, ADJUDGED AND DECREED as follows:

- a) That Plaintiff's Motion for Default Judgment against Defendant, UW Trust Company f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company, is hereby GRANTED;
- b) Due to Defendant UW Trust Company f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company's failure to redeem, any title or interest claimed by the Defendant, UW Trust Company f/k/a Sterling Trust Company, a

wholly owned subsidiary of Equity Trust Company, is hereby **VESTED AND QUIETED** in favor of the Plaintiff. Defendant, UW Trust Company, f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company's claims to the Property are without any right. Defendant, UW Trust Company, f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company, has no estate, right of redemption, title, lien, or interest in or to the Property or any part of the Property. Defendant, UW Trust Company, f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company, is permanently enjoined from asserting any estate, right of redemption, title, lien, or interest in or to the Property or any part of the Property;

- c) That Plaintiff is entitled to the relief sought in the Complaint and that the fee simple title claimed by the Plaintiff in and to the above described land has been proven and that the Plaintiff is the owner of said land and has a fee simple title thereto, free and clear of all fee interest claims, liens and encumbrances of Defendant, UW Trust Company, f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company, except such easements, covenants, restrictions, servitudes and mineral or similar interests otherwise appearing of record in the Office of the Judge of Probate of Jefferson County, Alabama, and that his title thereto be and is hereby established, and that all doubts and disputes concerning the same be, and are hereby, cleared up as to Defendant UW Trust Company f/k/a Sterling Trust Company, a wholly owned subsidiary of Equity Trust Company;
- d) Costs are taxed as paid.

DONE this 5th day of December, 2019


CIRCUIT JUDGE



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
12/09/2019 09:57:38 AM
\$31.00 CATHY
20191209000453190

Allen S. Bayl