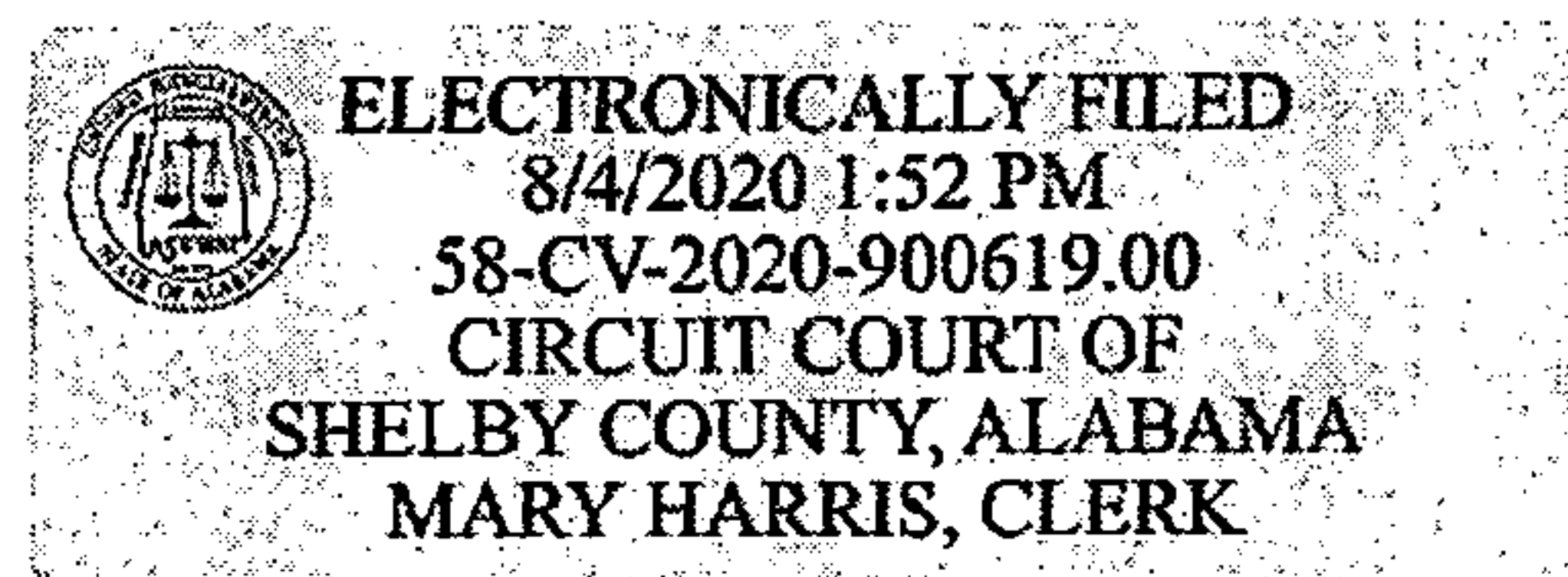




## IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CITY OF PELHAM, ALABAMA,

Plaintiff,

v.

GERAR INC, a corporation; the following  
described land in Shelby County,  
Alabama, to wit: Lot 61, Deer Springs  
Estates, First Addition, according to the  
plat thereof recorded in Map Book 5,  
Page 55, in the Probate Office of Shelby  
County, Alabama; and ANY AND ALL  
UNKNOWN PARTIES who may claim an  
interest in the above described property,

Defendants.



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Shelby Cnty Judge of Probate, AL  
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CASE NO. CV-2020-\_\_\_\_\_

## COMPLAINT TO QUIET TITLE IN REM

1. Plaintiff, City of Pelham, Alabama, is an Alabama municipality and files this verified Complaint under the provisions of § 6-6-560 et seq., Code of Ala. 1975, as amended, against the persons and entities herein made defendants and the land herein described.

2. The following are hereby made parties defendant to this Complaint: Gerar Inc., a corporation, registered office address unknown; and the land herein described.

3. Plaintiff alleges that it has made diligent search and inquiry to ascertain the name and address of any other person or entity that claims an interest in the land herein described, but that the Plaintiff has been unable to obtain the name of any other such person or entity claiming an interest in the land herein described; that in exercising such reasonable diligence, Plaintiff personally or by and through its attorney has searched the indices to the public records of the Probate Office of Shelby

Certified a true and correct copy

Date: 1-5-2021

*Mary H. Harris*  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama

County, Alabama, and Jefferson County, Alabama; the records of the Property Tax Commissioner of Shelby County, Alabama, and the tax administration department of Jefferson County, Alabama; and the records of the Secretary of State of Alabama, New Jersey, Georgia, and Delaware.

4. The land in controversy is situated in Shelby County, Alabama, and is more particularly described as follows:

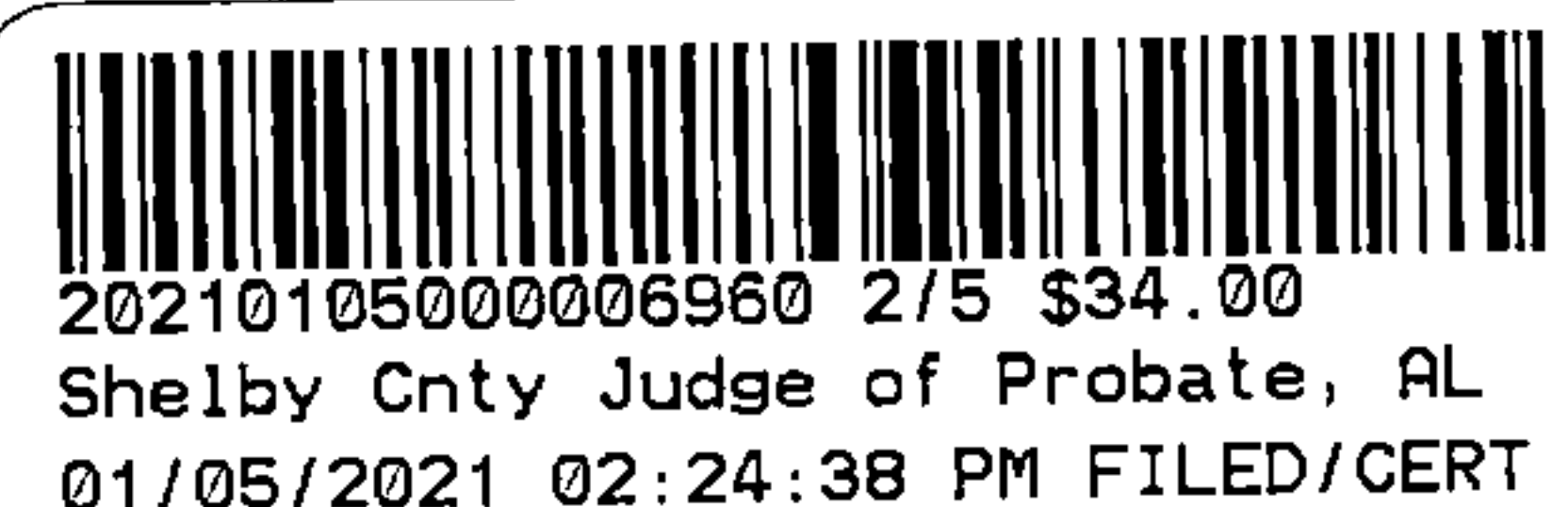
Lot 61, Deer Springs Estates, First Addition, according to the plat thereof recorded in Map Book 5, Page 55, in the Probate Office of Shelby County, Alabama.

Plaintiff claims to be the owner of the above described land in fee simple. Said land is designated in the records of the Shelby County Property Tax Commissioner as parcel # 14-4-20-2-001-044.000, located at 1453 Kelly Drive, Pelham, Alabama. Plaintiff is in the actual, peaceable possession of said land and alleges that it acquired title to said land as follows: by quitclaim deed from Parvenu Holdings, LLC, dated September 22, 2014, and filed for record in the Probate Office of Shelby County, Alabama, on September 26, 2014, as Instrument # 20140926000302930.

5. Parvenu Holdings, LLC, acquired title to said land as follows: by tax deed from the Judge of Probate, Shelby County, Alabama, dated February 13, 2012, and filed for record in the Probate Office of Shelby County, Alabama, on March 8, 2012, as Instrument # 20120308000081000.

6. Plaintiff further alleges that it paid the property taxes on said land for the tax year 2014 and since then the land has been assessed in the name of Plaintiff and has been exempt from property taxation.

7. Plaintiff further alleges that it has maintained said land and the improvements on said land and actively managed the same and has adversely possessed the same in excess of the period required by § 40-10-82, Code of Ala. 1975, as amended; and that it does not know of any other person or entity that claims any title to, interest in, or lien or encumbrance on said land or any part thereof



other than defendants, or who has had possession of or assessed or paid taxes on said land since the conveyance to Plaintiff.

8. Plaintiff alleges that Lincoln B. Edwards was the record owner of said land at the time that said land was sold by the Shelby County Property Tax Commissioner on May 1, 2007, to Parvenu Holdings, LLC, for the payment of the state and county taxes then due thereon and for the payment of the fees, costs and expenses then due.

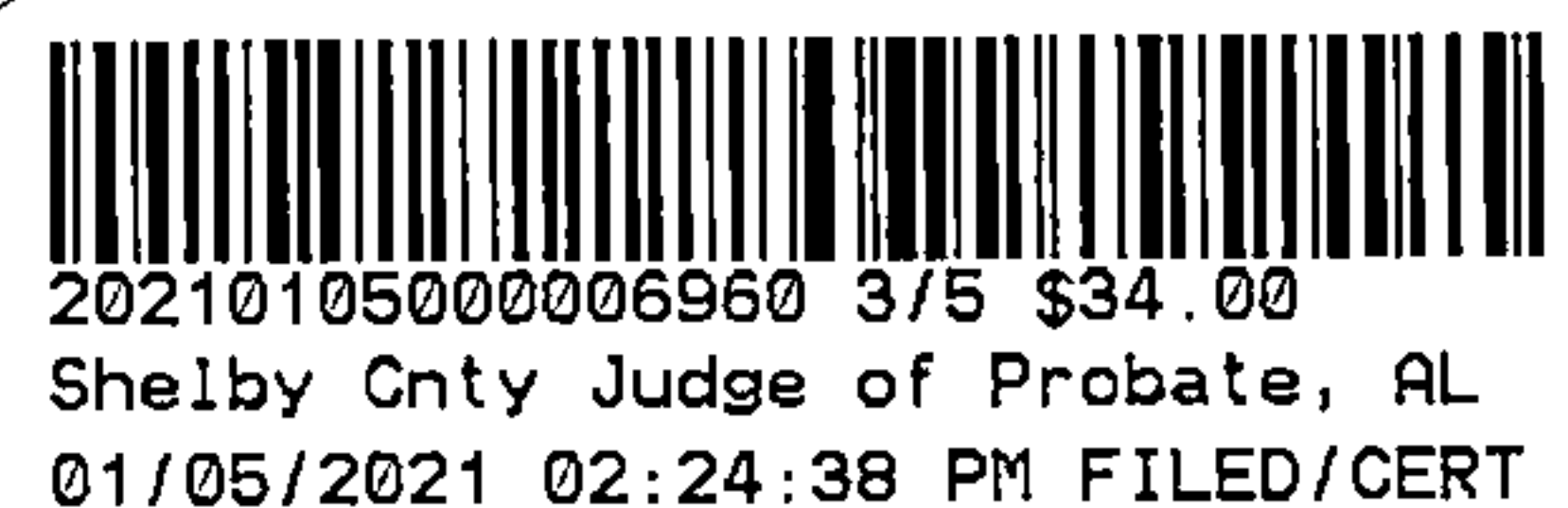
9. Defendant Gerar Inc. acquired its purported claim to title to the said land by the following series of documents, all of which are recorded in the Probate Office of Shelby County, Alabama:

A. Mortgage foreclosure deed from Lincoln B. Edwards and wife, Martha Edwards, to CitiFinancial Corporation, LLC, dated June 27, 2008, recorded as Instrument # 20080722000295640;

B. Warranty deed from CitiFinancial Corporation, LLC to Money-Line Mortgage, LLC, dated February 26, 2010, recorded as Instrument # 20100409000108890; and

C. Quit claim deed from Money-Line Mortgage, LLC to Defendant Gerar Inc., dated May 11, 2011, recorded as Instrument # 20110620000179810.

10. Plaintiff has caused a diligent search to be made to locate Defendant Gerar Inc. The company is not registered in the records of the Alabama Secretary of State's Office and has no registered agent in Alabama for service of process. It has no property assessed in its name in the records of the Property Tax Commissioner of Shelby County, Alabama, or on the Jefferson County, Alabama, property tax administration website. The address for Gerar Inc. on the deed from Money-Line Mortgage, LLC is P.O. Box 295, Bogota, NJ 07603, but there is no mention of a company by that name in the records of the Secretary of State of New Jersey. There is a record with the Secretary of State of New York of a company by that name at 8402 Roosevelt Avenue, Jackson Heights, NY



11372, that was dissolved on June 29, 2016, with no registered agent listed. An unofficial and undated Facebook page that appears inactive describes Gerar Inc. at that New York address as a bakery/restaurant. A company named Gerar Inc. with an address listed as 1900 The Exchange SE, Suite 410, Atlanta, GA 30339 executed a deed in May 2019 for property in Jefferson County, Alabama, but the Georgia Secretary of State has no record of such a company and an internet search yielded no results for a company by that name at that address. The deed indicated the corporation was authorized to do and was doing business in Delaware, its state of incorporation, but the Delaware Secretary of State has no record of a company by the name of Gerar Inc.

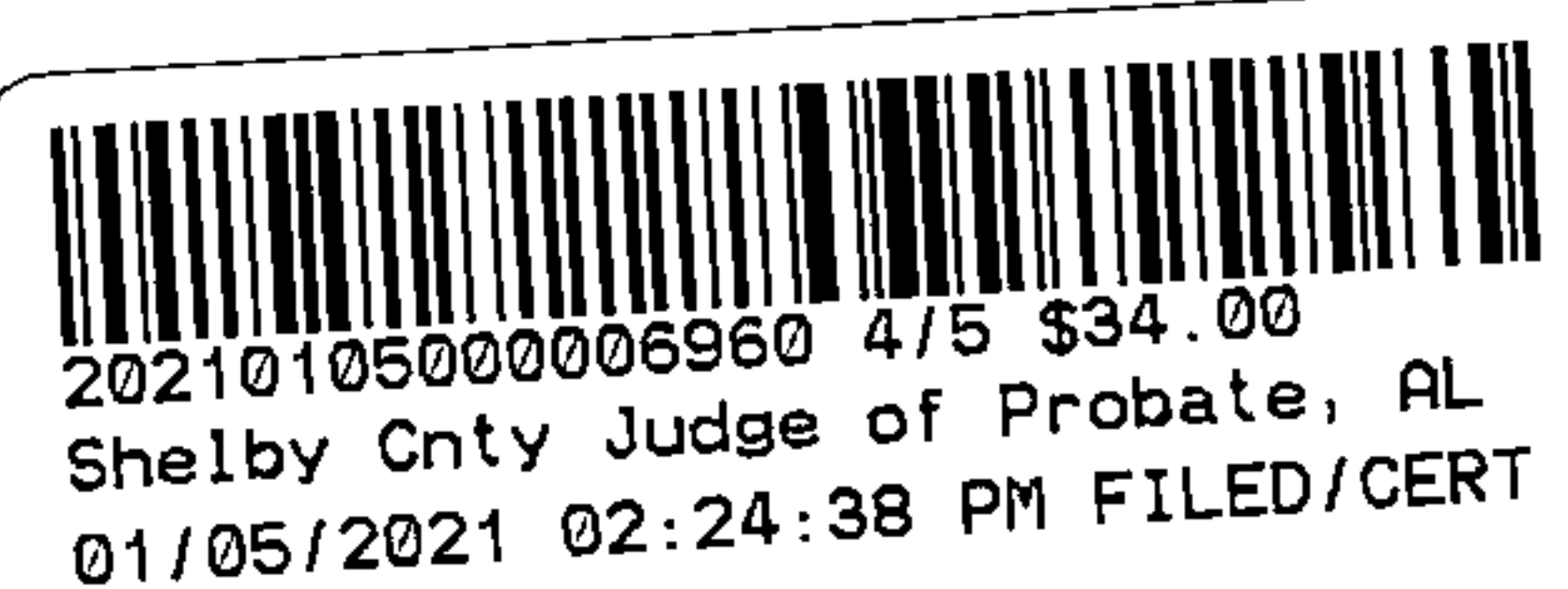
11. No suit is pending to test or determine Plaintiff's interest in, title to, or possession of said land.

WHEREFORE, PREMISES CONSIDERED, Plaintiff files this verified Complaint against Gerar Inc. and against the said land and against any and all persons claiming any title to, interest in, or lien or encumbrance upon said land or any part thereof, in order to establish the right of title to said land and to clear up all doubts or disputes concerning the same, and to that end, prays unto the Court as follows:

A. That notice of the pendency of this action be drawn and given by the clerk of this Court once a week for four consecutive weeks in a newspaper having general circulation and published in Shelby County, Alabama;

B. That a guardian ad litem be appointed to represent the interest of any minors or incompetent persons, or any unknown persons, who may claim any title to, interest in, or lien or encumbrance upon said land;

C. That the Court enter a judgment that the Plaintiff owns the entire and undivided fee simple interest in and to said land with no liens, encumbrances, or restrictions thereon, and that none



of the defendants has any title, right, claim or interest in said land; and

D. That the Court award Plaintiff such other, further or different relief as may be just and proper.

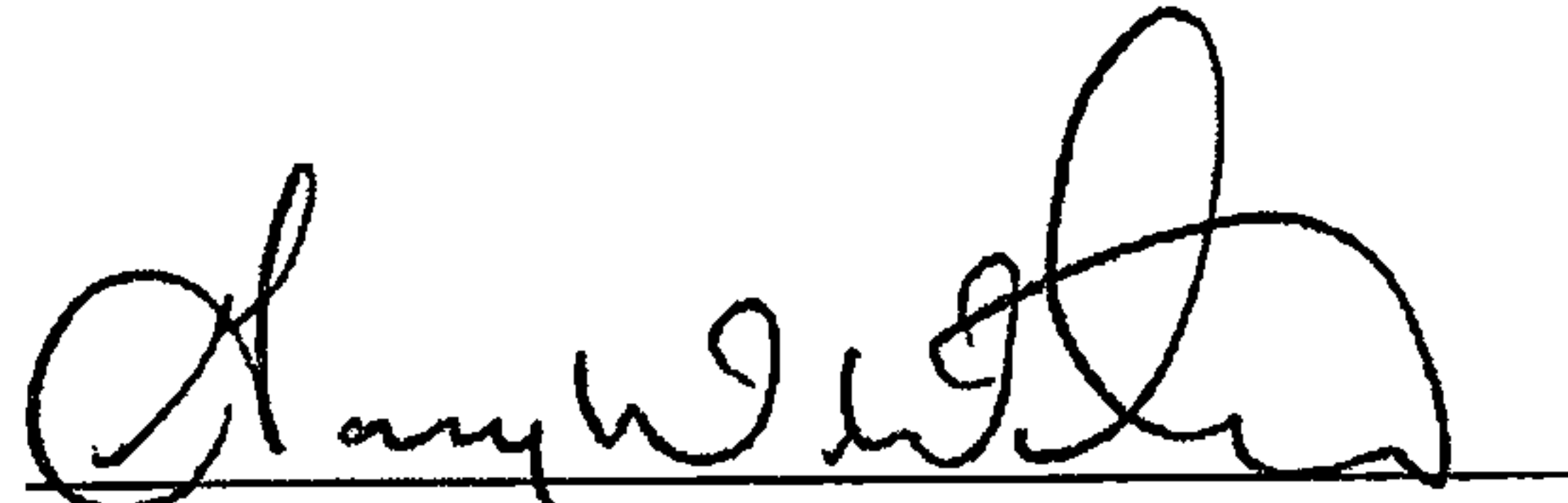
s/William R. Justice  
William R. Justice (JUS001)

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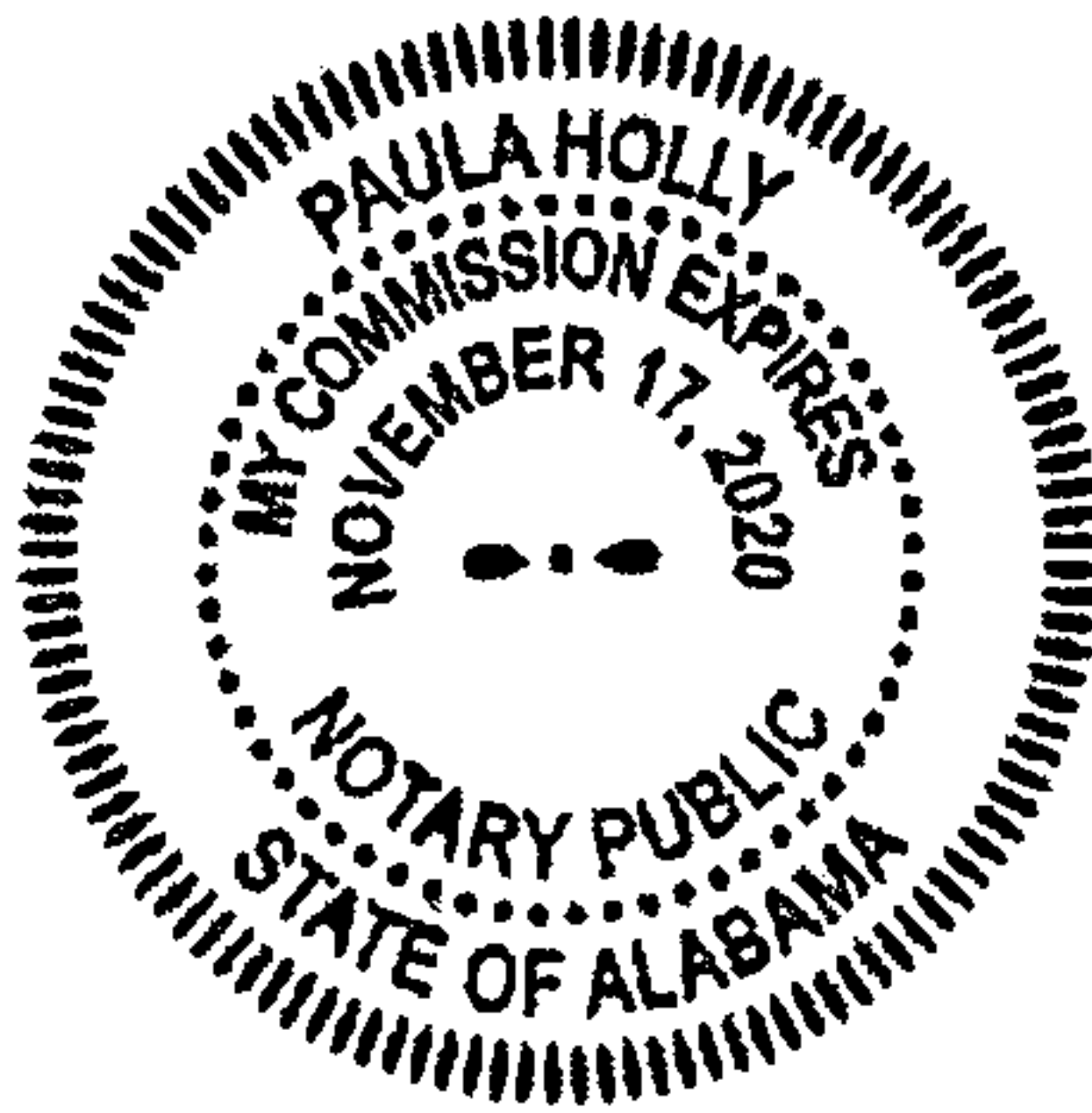
VERIFICATION

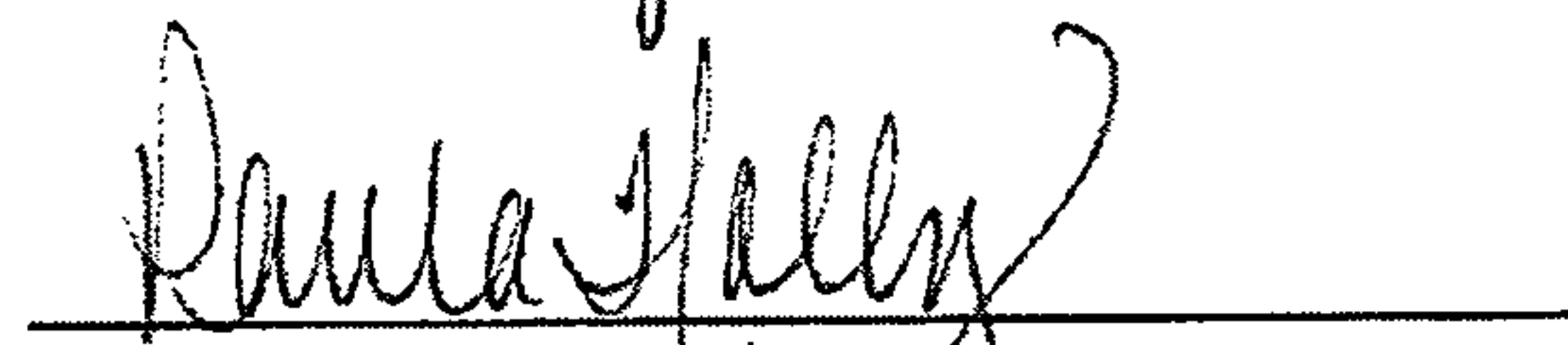
STATE OF ALABAMA  
COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, personally appeared Gary Waters, who being by me first duly sworn, deposes and says on oath that he is the Mayor of the City of Pelham, Alabama, Plaintiff in the foregoing complaint; that he has read the same, and that the facts stated therein are true and correct.

  
Gary Waters, Mayor

Sworn to and subscribed before me this 3rd day of August, 2020.



  
Notary public

My commission expires: Nov. 17, 2020



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Shelby Cnty Judge of Probate, AL  
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