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58-CV-2022-900217.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

**IN THE CIRCUIT COURT OF SHELBY COUNTY,**

LADYBUG PROPERTIES, LLC,  
J&M LEGACY INVESTMENTS, LLC,  
Plaintiffs,

V.

SOUTHERN HOME SERVICES, INC.,  
SOUTHERN HOME SERVICES, LLC,  
Defendants.

Case No.: CV-2022-900217.00



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Shelby Cnty Judge of Probate, AL  
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**ORDER ON DEFAULT JUDGMENT**

Before this Court is the Application for Default Judgment against Southern Home Services, LLC, ("Defendant") filed on May 25, 2022 by Plaintiff, Ladybug Properties, LLC ("Plaintiff"). Plaintiff requests that the Court enter judgment regarding the real properties known as 121 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-029.000); 153 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-021.000); 145 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-023.000); and 408 Oakwell Cove, Calera, AL 35040 (parcel No. 28-4-17-1-003-013.000); (the "Properties"), which were purchased at the Shelby County Alabama tax sale held on May 3, 2010 (the "Tax Sale"). Because the facts and law support the relief requested by Plaintiff, the Court GRANTS the motion, making the following findings of fact and conclusions of law without a hearing.

1. Plaintiff filed their Complaint for quiet title to the Properties on April 14, 2022. As set forth in the Plaintiff's Complaint, the real properties involved in this action are located in Shelby County, Alabama, and are more specifically described as follows:

Lot 105, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama. 121 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-029.000)

Lot 97, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map





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Book 35, Page 14 in the Probate office of Shelby County, Alabama, 153 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-021.000);

Lot 99, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama, 145 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-023.000)

Lot 18, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama, 408 Oakwell Cove, Calera, AL 35040 (parcel No. 28-4-17-1-003-013.000)

2. As explained in the Affidavit of Default filed by Plaintiff, service of process was completed on Defendant on or before April 19, 2022. Defendant failed to respond to the Summons and Complaint.

3. Title history shown by the records is as follows. Camden Cove West, LLC conveyed the properties to Defendant, Southern Home Services, Inc. ("Delinquent Taxpayer") by Warranty Deed dated June 22, 2005, recorded in the Judge of Probate's Deed Book at Instrument Number 2005070000328110. The deed was corrected by Scrivener's Affidavit correcting the grantee to Southern Home Services, LLC, recorded in the Judge of Probate's Deed Book at Instrument Number 20160218000051900.

4. After Defendant failed to pay the ad valorem real property taxes for the properties, the County sold the properties at the Tax Sale in accordance with state law to Plaintiff, Ladybug Properties, LLC ("Purchaser"), in the amount of \$4,165.61 per parcel for a total of \$16,662.44. Defendant did not pay the delinquent taxes owed within five days or otherwise file any objection to the Tax Sale under Ala. Code § 40-10-13, or redeem the properties within three years from the Tax Sale, or seek judicial redemption of the properties under Ala. Code § 40-10-82.

5. A Tax Sale Certificate for the Property was properly issued to Plaintiff under Ala. Code § 40-10-19.

6. Then, after the expiration of the three-year administrative redemption period, the





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State of Alabama issued Plaintiff Tax Deeds to the Properties, which are recorded in the county land records at Instrument Numbers 20160122000023140, 20160122000023120, 20160122000023150, and 20160122000023130 (the "Tax Deeds").

7. Based on the evidence before the Court, the Court finds that, with respect to the Tax Sale, all assessments, notices of delinquent taxes, and notices of redemption sent to the interested parties entitled to notice were performed in strict conformity with all statutory requirements. Thus, the Tax Sale validly conveyed the fee simple interest in the Properties to Plaintiff. By virtue of these conveyances, Plaintiff is seized in fee simple in the Properties, free and clear of all clouds on the title and Defendant's interests, subject to all easements and restrictions of record.

#### Conclusions of Law

1. This matter is properly before the Court. Notice was properly given to Defendant and the Court has personal jurisdiction over them. Further, this matter is within the subject matter jurisdiction of this Court and venue is proper.

2. This matter is ripe for final resolution without a hearing. The facts necessary to support the relief requested are contained within the record before the Court, including the allegations in the Complaint, which Defendant has admitted by virtue of their default. Defendant has failed to contest the validity of the Tax Sale, Plaintiff's title, or Plaintiff's entitlement to relief. Indeed, the real property records referenced in the Complaint, including the Tax Deeds, confirm Plaintiffs are entitled to the relief they seek. Based on this undisputed evidence, Plaintiffs are entitled to judgment as a matter of law.

3. In strict accordance with all statutory requirements, the County provided all required notices to all interested parties entitled to notice, properly assessed and levied upon the





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Properties, and thereafter properly noticed and sold the Properties to Plaintiff at the Tax Sale.

4. Under Alabama Law, an interested party has two methods of redeeming a property from that sale: "'statutory redemption' (also known as 'administrative redemption'), which requires the payment of specified sums of money to the Probate Judge of the county in which the parcel is located (see § 40-10-120 et seq., Ala. Code 1975), and 'judicial redemption' under §§ 40-10-82 and -83, Ala. Code 1975..." Defendant has failed to utilize either method to redeem the Properties from the Tax Sale.

5. Based on the foregoing and because the Tax Sale of the Properties was conducted in strict compliance with the statutory requirements pertaining to tax sales, the tax Sale of the Properties extinguished and forever eliminated all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claim in, to, or upon the Property. Accordingly, all rights, titles, claim, interests, estates, liens, mortgages, judgments, and any other creditors' claims that Defendant had or claim to have in, to or upon the Properties are extinguished. All rights, titles, claim, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any person or entity claiming under, by, or through, Defendant are extinguished. Thus, all adverse claims to the Properties are forever barred. Plaintiffs' marketable, fee simple title to the Properties is certain and free from all reasonable doubt.

#### Order

Therefore, it is ORDERED, ADJUDGED, and DECREED that:

1. Plaintiffs shall have judgment against Defendant, Southern Home Services, LLC.
2. Plaintiffs are declared to be the sole holders in fee simple of the Properties as

described below:

Lot 105, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama. 121 Oakwell Street, Calera,





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AL 35040 (parcel No. 28-4-17-1-003-029.000)

Lot 97, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama. 153 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-021.000);

Lot 99, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama. 145 Oakwell Street, Calera, AL 35040 (parcel No. 28-4-17-1-003-023.000)

Lot 18, according to the Survey of Camden Cove West, Sector III, Phase I, as recorded in Map Book 35, Page 14 in the Probate office of Shelby County, Alabama. 408 Oakwell Cove, Calera, AL 35040 (parcel No. 28-4-17-1-003-013.000)

3. Defendant and those who might claim any right, title, interest in, or lien upon the Properties through Defendant are barred from any claim to the Properties. Any cloud upon the title to the Properties is hereby removed, confirming Plaintiffs' fee simple title to the Properties.

4. To the extent that Defendant or anyone claiming under them are in possession of the Properties, they shall quit and vacate the Properties and to deliver possession to the Plaintiffs within 10 days.


5. The Shelby County Probate Court shall record this Order in the real property records for the County upon presentment of a copy of this Order and payment of the property deed-recording fee by Plaintiffs.

DONE this 7<sup>th</sup> day of June, 2022.

  
CIRCUIT JUDGE

Certified a true and correct copy

Date: 6/14/22

  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama