

DOCUMENT 227



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

Defendants.

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) **CASE NO.: CV 2020-900574.00**
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FINAL JUDGMENT

This cause came before the Court to be heard on the 15 day of March, 2022.

Upon consideration of the verified complaint, including facts verified relative to service by publication, prior orders prescribing and directing notice to the Defendants and appointment of Guardian *ad Litem*, proof of publication of notice of pendency of this proceeding, *Lis Pendens*, default of the Defendants, Concetta S. Givianpour, Alamerica Bank, the City of Alabaster, Alabama, South Grande View Development Company, Inc., and Wells Fargo Bank, N.A., Consent Judgment with Greenwich Insurance Company and report of the Guardian *ad Litem* appointed by the Court, and oral testimony taken in open court, the Court makes the following as findings of fact, among other things:

1. The Plaintiff, Stephen Dunlap, filed its complaint for quiet title based on a tax deed on July 17, 2020, on the following described real property, to wit:

Lot 1531, according to the Survey of Grande View Estates Givianpour Addition to Alabaster 15th Addition Map recorded in Map Book 32, Page 26 in the Probate Office of Shelby County, Alabama.

Further described as 1064 Grande View Pass, Maylene, Alabama 35114, and Parcel

Identification Number: 23-5-21-0-003-031.000.

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2 On or about April 4, 2011, the Probate Court of Shelby County, Alabama, rendered a decree that the following described property be sold for unpaid *Ad Valorem* taxes for tax year 2010:

Lot 1531, according to the Survey of Grande View Estates Givianpour Addition to Alabaster 15th Addition Map recorded in Map Book 32, Page 26 in the Probate Office of Shelby County, Alabama.

Further described as 1064 Grande View Pass, Maylene, Alabama 35114, and Parcel Identification Number: 23-5-21-0-003-031.000.

3. On or about May 2, 2011, the Shelby County Property Tax Commissioner sold the above-described real property to the State of Alabama at the Shelby County Tax Sale.

4. On April 1, 2016, after the prior owner or owners' rights of redemption under *Ala.Code, 1975 § 40-10-120* expired by operation of law, State of Alabama, awarded a tax deed for the real property to the Plaintiff (the "Tax Deed"), which Tax Deed was recorded in the Probate Office of Shelby County, Alabama on April 11, 2016, in Instrument No. 20160411000119190.

5. On or about December 29, 2020, the Court dismissed the Defendant, Greenwich Insurance Company from the above styled cause after the Defendant recorded a partial release on its judgments recorded in Instrument Nos. 20200406000133410 and 20200318000107710 on the subject property in the Probate Records of Shelby County, Alabama.

6. On or about March 16, 2021, this Court ordered a default judgment rendered against the Defendant, Concetta S. Givianpour and that all of Defendant's right, title, interest and claim in or to the above-described real property was transferred via Tax Deed recorded in Instrument Number 20160411000119190, in the Probate Records of Shelby County, Alabama to

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the Plaintiff, Stephen Dunlap, and Defendant's right, title or interest in the real property is now vested in the Plaintiff.

7. Further, the Defendant's Mortgage and Security Agreement recorded in instrument Number 20111026000320730, in the Office of the Judge of Probate of Shelby County, Alabama, no longer constitutes a lien against the subject property described as follows, to wit:

Lot 1531, according to the Survey of Grande View Estates Givianpour Addition to Alabaster 15th Addition Map recorded in Map Book 32, Page 26 in the Probate Office of Shelby County, Alabama.

8. On or about July 29, 2021, this Court ordered a default judgment rendered against the Defendants, Alamerica Bank, the City of Alabaster, Alabama, South Grande View Development Company, Inc., and Wells Fargo Bank, N.A.

9. The Court's Order stated that Defendant's, Alamerica, judgments recorded in Instrument Nos. 20141219000398840 and 20141219000398810, in the Office of the Judge of Probate of Shelby County, Alabama, no longer constitutes a lien against the subject property described as follows, to wit:

Lot 1531, according to the Survey of Grande View Estates Givianpour Addition to Alabaster 15th Addition Map recorded in Map Book 32, Page 26 in the Probate Office of Shelby County, Alabama.

Further described as 1064 Grande View Pass, Maylene, Alabama 35114, and Parcel Identification Number: 23-5-21-0-003-031.000.

10. The Court's Order stated that the Defendant's, the City of Alabaster, Alabama, judgment recorded in Instrument Number 20160617000209120, in the Office of the Judge of Probate of Shelby County, Alabama, no longer constitutes a lien against the subject property described as follows, to wit:

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Lot 1531, according to the Survey of Grande View Estates Givianpour Addition to Alabaster 15th Addition Map recorded in Map Book 32, Page 26 in the Probate Office of Shelby County, Alabama.

Further described as 1064 Grande View Pass, Maylene, Alabama 35114, and Parcel Identification Number: 23-5-21-0-003-031.000.

11. The Court's Order stated that that the Defendant's, Wells Fargo Bank, N.A., judgment recorded in Instrument No. 20120706000239630, in the Office of the Judge of Probate of Shelby County, Alabama, no longer constitutes liens against the subject property described as follows, to wit:

Lot 1531, according to the Survey of Grande View Estates Givianpour Addition to Alabaster 15th Addition Map recorded in Map Book 32, Page 26 in the Probate Office of Shelby County, Alabama.

Further described as 1064 Grande View Pass, Maylene, Alabama 35114, and Parcel Identification Number: 23-5-21-0-003-031.000.

12. The Court's Orders stated that all of Defendants', Alamerica Bank, the City of Alabaster, Alabama, South Grande View Development Company, Inc., and Wells Fargo Bank, N.A., right, title, interest and claim in or to the above-described real property was transferred via Tax Deed recorded in Instrument Number 20160411000119190, in the Probate Records of Shelby County, Alabama to the Plaintiff, Stephen Dunlap, and Defendant's right, title or interest in the real property is now vested in the Plaintiff.

13. 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 the possession of said land.

14. That the Plaintiff's complaint was duly verified, and was filed against said land

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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 lands or interest, and to clear up all doubts or disputes concerning the same, and that said complaint did in all respects comply with the provision of the *Code of Alabama, 1975* §§ 6-6-561 and 40-10-83.

15. That service of process was had in strict compliance with the provisions of the *Code of Alabama, 1975* § 6-6-564 and Rule 4.3 of *Alabama Rules of Civil Procedure*, and the Court finds as a fact that Plaintiff exercised diligence to ascertain all of the facts in regard to the names of proper parties Defendants.

16. That notice of the pendency of said complaint was issued by the Court and published once a week for four consecutive weeks in the *Shelby County Reporter*, a newspaper having a general circulation and published in Jefferson County, Alabama.

17. A *Lis Pendens* was recorded in Instrument 2020408000176600, in the Office of the Judge of Probate of Shelby County, Alabama.

18. That no person has intervened in this case except that the Honorable Joshua D. Arnold, appointed by the Court herein as Guardian *ad Litem* for interest of infant, lunatic, and unknown parties in the proceeding has appeared herein, denied the allegations of the complaint, demanded strict proof thereof, and examined the entire file in this proceeding, including the testimony on behalf of the Plaintiff.

19. That all of the allegations of fact contained in the complaint are true; that there was proper service of process on all of the Defendants named in the complaint.

20. That the Defendants named in the complaint contained all names known to the

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Plaintiff after the exercise of diligence, and that all of the Defendants were represented in this proceeding by Guardian *ad Litem* except those that had filed answer and waivers or as to whom default judgment had been entered after proper service of process.

21. That the Plaintiff complied with all of the provisions of law relative to this proceeding *in rem* to establish title to land. It is, therefore,


ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff is entitled to the relief prayed for in the complaint and that the fee simple title claimed by the Plaintiff in and to the above described lands [with the exceptions noted above] has been duly proved, and that the Plaintiff is owner of said land and has fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that their title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same are hereby cleared. Defendant, South Grande View Development Company, Inc., its heirs, successors, and devisees, if deceased, are divested of all the right, title, and interest in the above-described subject property. The Plaintiff, Stephen Dunlap, is vested with all the right, title and interest of Defendant, South Grande View Development Company, Inc., its heirs, successors, and devisees, if deceased. It is further

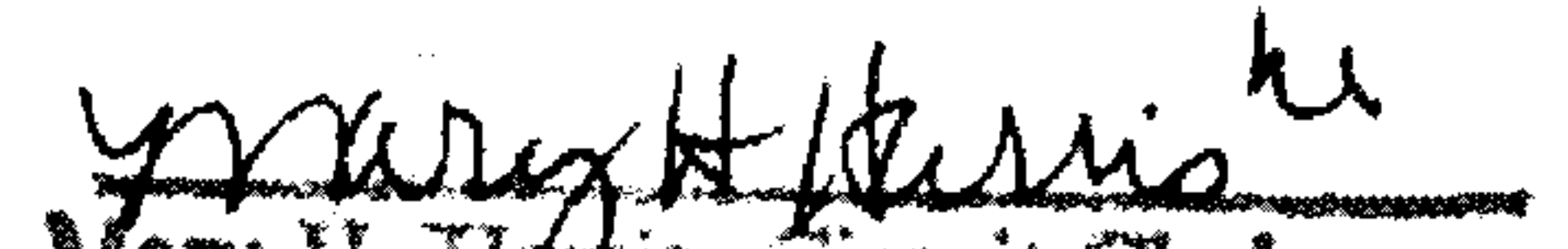
ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and it be indexed in the name of the Plaintiff and the Defendants, in both the direct index and indirect index of the records thereof. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the Honorable Joshua D. Arnold is hereby awarded fee and costs of \$750.00, for his services as Guardian *ad Litem* in this proceeding. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff herein pay
costs of the proceedings, for which execution may issue.

DONE this 17th day of March, 2022.


CIRCUIT JUDGE Date: 08/12/22
SHELBY COUNTY


Mary H. Harris Circuit Clerk
Shelby County, Alabama



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
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