



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

HGM HOLDINGS LLC,  
Plaintiff,

V.

GALLIER LINDA C,  
TL SIX LLX,  
HONDAGNEU JOHN,  
DESCRIBED PROPERTY ET AL,  
Defendants.

Case No.: CV-2022-000083.00



20221011000385440 1/4 \$34.00  
Shelby Cnty Judge of Probate, AL  
10/11/2022 10:37:46 AM FILED/CERT

**JUDGMENT FOR EJECTMENT AND QUIETING TITLE**

The matter is before the Court on Plaintiff HGM Holdings, LLC's Motion for Default Judgment filed on the 6<sup>th</sup> of September, 2022. Upon consideration of the Motion for Default Judgment, Plaintiff's affidavit, the evidence submitted with the Motion for Default Judgment, the verified complaint, the Consent to Judgment filed for Defendant John Hondagneu (Doc. 44), the Consent to Judgment filed for Defendant TL SIX LLC (Doc. 47), the court records concerning service on all interested parties, prior orders prescribing and directing notice to the unknown Defendants and appointment of guardian ad litem, the lis pendens recorded in the records in the Office of the Judge of Probate of Shelby County, Alabama, proof of service by publication on the unknown Defendants, the report of the guardian ad litem appointed by the Court, and the Court records, the Court makes the following as findings of fact, among other things:

1. That Plaintiff HGM Holdings, LLC, at the time of the filing of the complaint in this cause, claimed in its own right the fee simple title to and was in actual peaceable possession of the following described realty (the "Property"):

Lot 39, according to the Survey of Willow Cove, Phase 2, as recorded in Map Book 24, Page 49, in the Probate Records of Shelby County, Alabama.

The Property is also described as:



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Willow Cove Phase 2, Lot 39, Map Book 24, Page 49

Parcel Number 58-35-1-02-0-002-039.000.

2. That at the time of the filing of the complaint, no suit was pending to test Plaintiff's title to, interest in or the right to the possession of the Property.

3. That Plaintiff's complaint was filed 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 provisions of the *Code of Alabama*, 1975, § 6-6-561.

4. That service of process on the unknown Defendants was had in strict compliance with the provisions of *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.

5. That notice of the pendency of said complaint was issued by the court and published once a week for four (4) consecutive weeks in *The Shelby County Reporter* a newspaper having general circulation and published in Shelby County, Alabama.

6. That a lis pendens was recorded in the Office of the Judge of Probate of said county, said notice being in compliance with the *Code of Alabama*, 1975, § 35-4-131.

7. That it has been more than thirty (30) days since the last publication of said notice.

8. That no person has intervened in this case except that Daniel Head, Esq., 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 affidavit testimony on behalf of the Plaintiff.

9. 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.

10. That the Defendants named in the complaint contained all names known to 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 answers and waivers or as to whom default judgment had been entered after proper service of process.

11. That the Plaintiff complied with all of the provisions of law relative to this proceeding in rem to establish title to the 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 Property has been duly proved, and that the Plaintiff is the owner of the Property and has a fee simple title thereto, free of all liens and encumbrances, except for the mortgage to TL SIX LLC, recorded in the records of the Office of the Judge of Probate of Shelby County, Alabama as Instrument 20191031000402830 and the mortgage to John Hondagneu recorded in the records of the Office of the Judge of Probate of Shelby County, Alabama as Instrument 20200723000308320, and that, subject to the said mortgages, its title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same are hereby cleared up. 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,



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Alabama, and that it be indexed in the name of the Plaintiff and Defendants herein in both the direct index and indirect index of the records thereof. It is further

ORDERED, ADJUDGED AND DECREED that Plaintiff is entitled to possession of the Property, and Defendants shall vacate the Property and immediately deliver possession thereof to Plaintiff. It is further

ORDERED, ADJUDGED AND DECREED that Should Defendants fail to vacate the Property and deliver possession of the Property to Plaintiff within fifteen (15) days of the date of this Order, Plaintiff shall have the right to seek assistance from the Shelby County Sheriff Department in removing Defendants from the Property and delivering possession of the Property to Plaintiff. It is further

ORDERED, ADJUDGED AND DECREED by the Court that Daniel Head, Esq., be and he is hereby awarded a fee of \$500.00 for his services as guardian ad litem in this proceeding, to be taxed as a part of the costs herein, to be paid by the Clerk of this Court to him on payment of such costs. It is further

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

DONE this 11<sup>th</sup> day of October, 2022.

  
CIRCUIT JUDGE

Certified a true and correct copy

Date: 10/11/22  
Mary H. Harris SB  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama