

**IN THE EIGHTEENTH JUDICIAL CIRCUIT COURT OF
SHELBY COUNTY**

LAURA GARDNER and
STEVEN KURT GARDNER,

Plaintiffs,

v.

NATALAY WOODS, L.L.C., et al.,

Defendants.

Case No. CV 2022-900619



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Shelby Cnty Judge of Probate, AL
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FINAL DECREE QUIETING TITLE

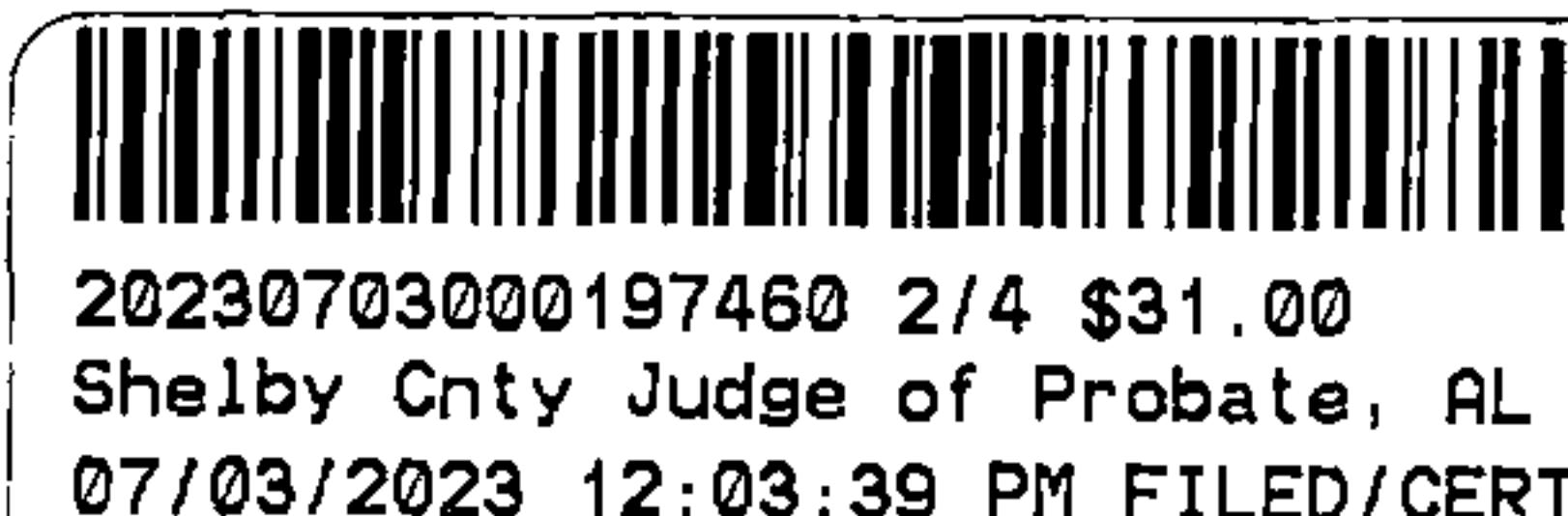
THIS CAUSE came upon the Verified Bill to Quiet Title ("Complaint") in this action (Doc. 2), Plaintiffs' Motion for Default and an Entry of a Final Decree (Doc. 28) ("Motion"), the hearing of such Motion before this Court on April 25, 2023 at 10:30 a.m., at which the Honorable Ryan D. Wilson appeared for the Plaintiffs, and no other party appeared, along with pleadings and record in this matter; and

IT APPEARING TO THIS COURT that:

1. Plaintiffs filed the Complaint in this matter on October 7, 2022, seeking to quiet title to that parcel of real property located in the Shelby County, Alabama, with Parcel ID number 58-15-04-18-0-000-171.000 and a legal description of:

Lot 71, according to the Survey of Cameron Woods, 3rd Addition, as recorded in Map Book 33, Page 30, in the Probate Office of Shelby County, Alabama (the "Property")

2. The Complaint was filed against all persons or entities who at the time of filing, may have claimed to have some form of right, title or interest in the Property. Plaintiffs exercised diligence to ascertain all facts in regard to the names of all proper defendants, and also named parties claiming any future, contingent, reversionary, remainder, or other interest therein.



No defendant is an infant, a person having an unsound mind, or unknown. At the time the Complaint was filed, no other suit was pending to test the right, title, or interest in the Property.

3. On April 5, 2010, the Probate Court of Shelby County, Alabama decreed that the Property be sold for unpaid *ad valorem* taxes owing to Shelby County, Alabama and the State of Alabama for the 2009 tax year. On May 3, 2010, under and pursuant to such decree, the Shelby County Tax Collector duly and regularly sold the Property to James Maxwell, Jr. ("Mr. Maxwell") for taxes, costs and expenses then due to the State and County. All prerequisites to such sale, including required reports and notices, were given in advance of the sale. Mr. Maxwell was issued a tax certificate for the Property.

4. On January 22, 2014, the Judge of Probate issued a tax deed to Mr. Maxwell, which was recorded in the Probate Office at Instrument 20140207000035530 (the "Tax Deed"). The Tax Deed vested in the holder "all the right, title, interest" of Natalay Woods, L.L.C., whose duty it was to pay the taxes on the Property. Ala. Code (1975) Section 40-10-29. All proceedings regarding the initial sale of the Property on May 3, 2010, and the subsequent issuance of the Tax Deed to the Property were completed in conformity with Alabama law.

5. Mr. Maxwell transferred his right, title, and interest in the Property to Plaintiffs by that Warranty Deed recorded in the Probate Office at Instrument No. 20220404000135060 (the "Gardner Deed"). By the Gardner Deed, all of Mr. Maxwell's interest in the Property was conveyed to Plaintiffs, who have the right to enforce the same.

6. Plaintiffs and their predecessor, through whom they claim title, have had color of title and paid the *ad valorem* taxes on the Property from tax year 2009 to the present, a period exceeding 10 years. No other entity or person has paid taxes on the Property during this time period. Plaintiffs are in actual, uninterrupted, adverse possession of the Property and no other defendant or person is in actual, constructive, or scrambling possession thereof.



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7. Plaintiffs have complied with statutory requirements to obtain the relief sought herein.

8. NATALAY WOODS, L.L.C. (D001) ("Natalay") accepted service of the Summons and Complaint on February 14, 2023, and confirmed its understanding that any responsive pleading was required to be filed with this Court within 30 days of such date (Doc. 19). More than 30 days have elapsed since such service and Natalay has not filed an answer, defense, or other pleading, or requested to redeem.

9. Natalay is not a minor or unrepresented incompetent person.

10. The relief requested in the Complaint does not include monetary damages against any defendant.

11. Natalay has no current, future, contingent, or reversionary right, title, or interest in the Property, no right to redeem the Property, and no possessory rights to the Property.

12. Plaintiffs are the owners of the Property and have legal and equitable title thereto, free of all liens and encumbrances except as set forth in the description above and further except such easements, covenants, restrictions and mineral or similar interest appearing of record in the Probate Office and not released by virtue of this action; it is therefore


ORDERED, ADJUDGED AND DECREED that the Motion is granted. Default judgment is entered against NATALAY WOODS, L.L.C. Exclusive possession of the Property is awarded to Plaintiffs and Natalay is ejected therefrom. Further, fee simple title to the Property hereby is quieted in Plaintiffs. Any current, future, contingent or reversionary right, title or interest in the Property, any right to possession of the Property, and any right to redeem the Property is hereby extinguished as to Natalay and vested in Plaintiffs.

WHEREFORE, this Court finds that all matters before this Court have been fully and finally adjudged and directs the Clerk to issue a certified copy of this decree to Plaintiffs, to

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be recorded in the Probate Office, with costs thereof taxed as costs of this action. All costs are taxed as paid. There being no just reason for delay, this order is final in accordance with Ala. R. Civ. P. 54(b).

Done this 7th day of June, 2023.


Certified a true and correct copy
Date 06/22/23
PATRICK E. KENNEDY
CIRCUIT COURT JUDGE
Mary H. Harris, Circuit Clerk
Shelby County, Alabama