



ELECTRONICALLY FILED
7/13/2023 10:28 AM
58-CV-2022-900116.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY,

S & M DEVELOPMENT, LLC, an
Alabama limited liability company,

Plaintiff,

v.

EDWARDS SPECIALTIES, INC., et al.,

Defendants.

CASE NO. CV-2022-900116



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Shelby Cnty Judge of Probate, AL
07/17/2023 09:22:26 AM FILED/CERT

ORDER GRANTING APPLICATIONS FOR DEFAULT JUDGMENT

Plaintiff S & M Development, LLC, having applied to the Court pursuant to Rule 55, Ala. R. Civ. P., for default judgments in its favor on the complaint, and it appearing to the Court as follows:

Service on Defendant Mercury Funding LLC was perfected by certified mail on March 2, 2022;

Service on Defendant Edwards Specialties, Inc. and unknown parties who may have or claim an interest in the property was perfected by publication;

No Defendant has answered or otherwise defended against the complaint; and

Through testimony and exhibits presented by Plaintiff to the court at a hearing on May 22, 2023, the Court finds that Plaintiff is entitled to judgment in its favor on the complaint.

IT IS, THEREFORE, ORDERED AND ADJUDGED that judgment is granted hereby in favor of Plaintiff against Defendants as follows:

1. Publication of the pendency of this action was made in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, on October 30, November 6, November 13, and November 20, 2022, calling upon Defendant Edwards Specialties, Inc. and all

other persons and entities claiming title to, interest in, or lien or encumbrance upon the lands described in the complaint and notice, or any portion thereof, to plead, answer or otherwise defend on or before the 20th day of December, 2022. More than sixty days has elapsed from the date of the first publication of said notice and the filing of a certified copy thereof in the office of the judge of probate of Shelby County, Alabama.

2. The Court finding that the Complaint filed in this action complies in all respects with the requirements of Ala. Code " 6-6-560 and -561, and the evidence satisfies the special requirements of Ala. Code " 40-10-82, providing for a three-year statute of limitations for tax titles, it is the opinion of the Court that the Plaintiff is entitled to the *in rem* relief prayed for in the Complaint.

3. The right, title, interest and ownership of the Plaintiff in and to the property is hereby established and forever quieted *in rem* and against the Defendants, and the property which is more particularly described as:

Commence at the NW corner of the NW3 of the SW3 of Section 34, Township 20 South, Range 3 West, Shelby County, Alabama; thence S 01 deg. 38 min. 41 sec. E along the Section line a distance of 390.00 feet to the point of beginning; thence S 71 deg. 29 min. 15 sec. E a distance of 966.90 feet; thence N 89 deg. 50 min. 17 sec. E a distance of 20.94 feet; thence S 04 deg. 36 min. 08 sec. E a distance of 239.05 feet; thence S 83 deg. 49 min. 28 sec. W a distance of 74.96 feet; thence S 05 deg. 36 min. 09 sec. E to the N line of Stoney Meadows Subdivision Phase 1 as recorded in Map Book 36, Page 107, in the Probate Office of Shelby County, Alabama; thence turn right and run along the N line of said subdivision to the Section line; thence turn right and run along the Section line to the point of beginning.

4. The clerk of this Court shall certify copies of this judgment to be recorded in the Office of the Judge of Probate of Shelby County, Alabama, to be indexed in the same books and in the same manner in which deeds are recorded, and this judgment shall be indexed in the names of the Defendants, Edwards Specialties, Inc. and Mercury Funding LLC, against whom this relief is

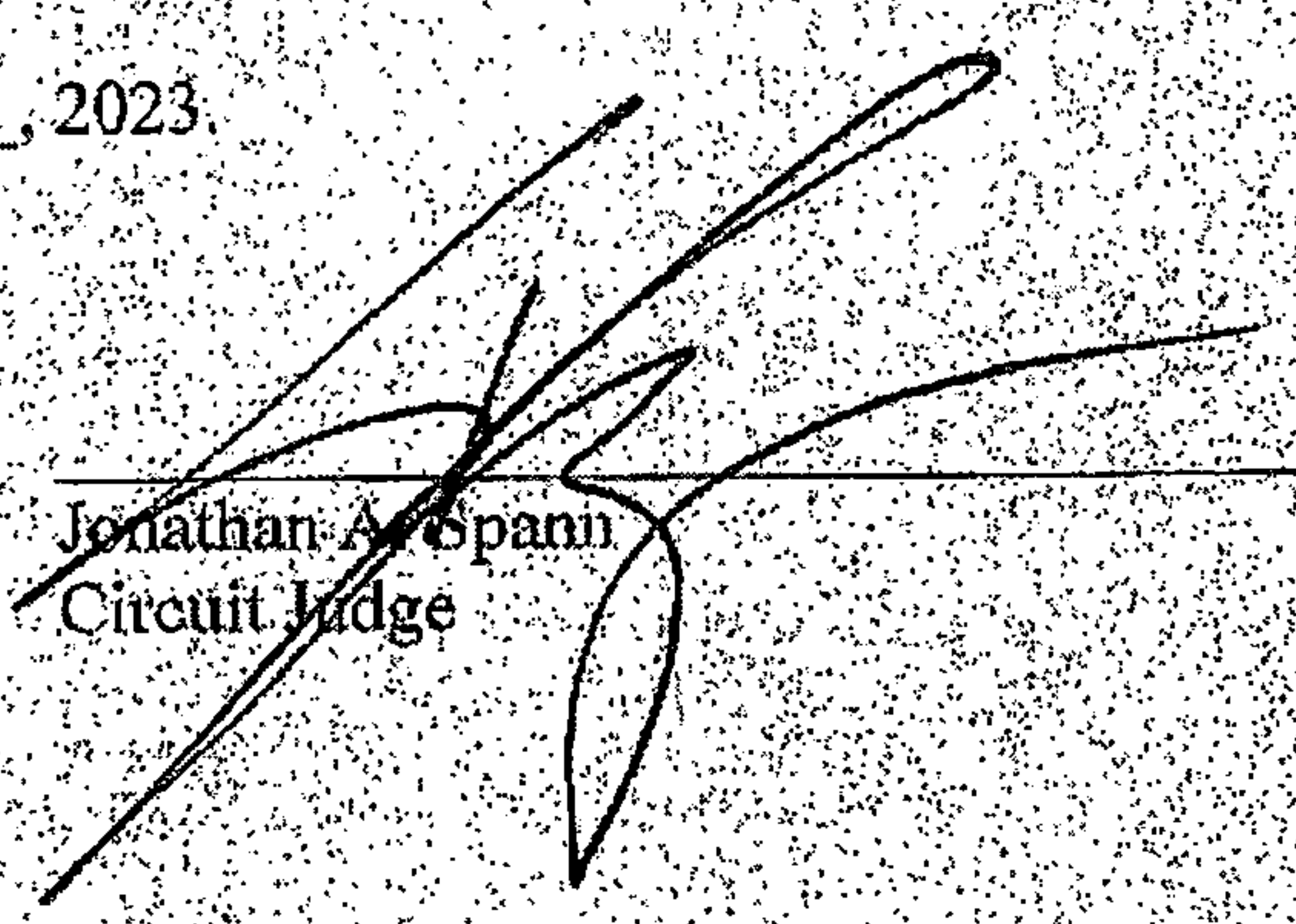


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granted, in the direct index and in the name of the Plaintiff in possession of the property, S & M Properties, LLC, in the reverse index.

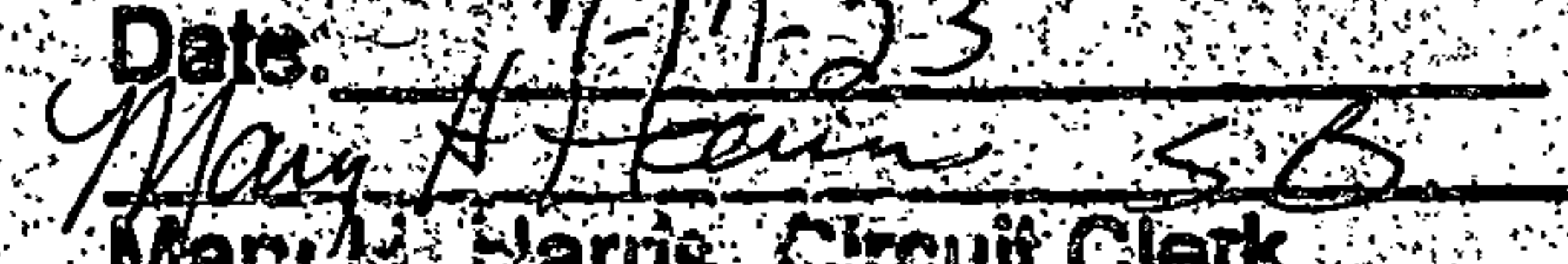
5. Costs of this action are taxed to the Plaintiff.

This the 13th day of July, 2023.


Jonathan A. Spann
Circuit Judge

Certified a true and correct copy

Date: 7-17-23


Mary H. Harris, Circuit Clerk

Shelby County, Alabama