

20231214000359910 1/4 \$31.00
Shelby Cnty Judge of Probate, AL
12/14/2023 10:54:43 AM FILED/CERT

**KITCHENS JOYCE L.,
TL SIX LLC,
Defendants.**

JUDGMENT FOR EJECTMENT AND QUIETING TITLE

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 No. 6 in Block No. 3 according to Map of 100 acres at Birmingham Junction on E. T. V. & G. Railroad property of Maj. Joseph Hardie surveyed by J. E. Bozeman C. E., as recorded in Deed Book 14 on page 239 in Probate Office of Shelby County, Alabama, subject to Alabama Power Company transmission line permits;
And also described as:



20231214000359910 2/4 \$31.00
Shelby Cnty Judge of Probate, AL
12/14/2023 10:54:43 AM FILED/CERT

Birmingham Junction, Block 3, Lot 6, Map Book: 14, Page: 239;
Parcel Number 58/36/02/09/3/001/029.000.

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.



20231214000359910 3/4 \$31.00
Shelby Cnty Judge of Probate, AL
12/14/2023 10:54:43 AM FILED/CERT

8. That no person has intervened in this case except that Josh Arnold, 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 assignment of mortgage recorded as Instrument 20191212000460610, and that, subject to the said mortgage, its title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same



20231214000359910 4/4 \$31.00
Shelby Cnty Judge of Probate, AL
12/14/2023 10:54:43 AM FILED/CERT

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, Alabama, and that it be indexed in the name of the Plaintiff and Defendant Joyce L. Kitchens 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 Josh Arnold, Esq., be and he is hereby awarded a fee of \$750.00 (Seven Hundred Fifty Dollars and No/100) 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 16th day of October, 2023.

Certified a true and correct copy
/s/ LARA M ALVIS **Date: 11/15/23**
CIRCUIT JUDGE **Mary H. Harris**
Mary H. Harris, Circuit Clerk
Shelby County, Alabama