

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

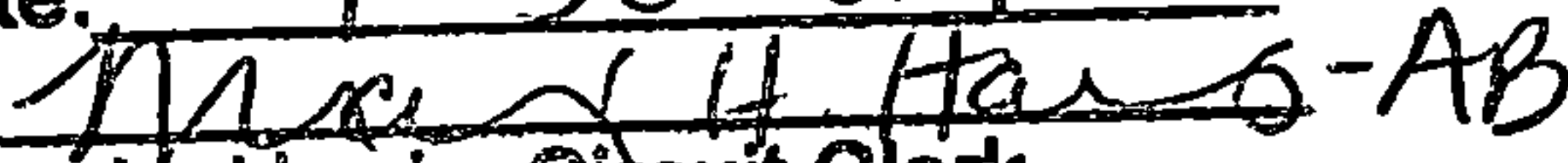
WATSON FRED,
Plaintiff,

V.

RACHELS, AND HEIRS LIZZIE,
MILLER, AND HEIRS LORNE,
RAIA NANCY A.,
FREEMAN MARY JO ET AL,
Defendants.

)
)
)
) Case No.: CV-2024-900037:00
)
)
)
)
)
)

Certified a true and correct copy
Date: 7-30-24


Mary H. Harris, Circuit Clerk
Shelby County, Alabama

FINAL JUDGMENT

THIS CAUSE COMING ON TO BE HEARD by the Court on the Plaintiff's Complaint asking that the title to the herein below described real property be vested in the Plaintiff, both *in personam* and *in rem*, under the provisions of the Code of Alabama 1975, as amended:

1. This action was commenced by Plaintiff, Fred Watson, ("Plaintiff") as an action to quiet title to property located in Shelby County, Alabama, as follows, which was purchased at the Shelby County Alabama tax sale held on April 2, 2018 (the "Tax Sale"). The property is described as follows:

**Lot Twenty Five (25), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), Thirty (30), Thirty One (31), Block Ninety Three (93), according to Saffords Survey of the Town of Shelby, as recorded in Map Book 8, Page 45, in the Probate Office of Shelby County, Alabama.
Parcel No.: 29-06-24-0-001-028.000**

2. The Court has jurisdiction over the property, which is located in Shelby County, Alabama, which has an address of 174 Highway 303 Shelby, Alabama 35143, and which is more specifically described as set out in paragraph 1 above.



20240730000234030 2/5 \$40.00
Shelby Cnty Judge of Probate, AL
07/30/2024 09:24:27 AM FILED/CERT

3. That the named Defendants are LIZZIE RACHELS, and heirs, LORENE MILLER, and heirs, NANCY A. RAIA, MARY JO FREEMAN, LINDA BENESH, ROBERT ARMSTRONG, DORIS JEAN ARMSTRONG HORTON, as heirs of Lorene Miller, DON ARMSTRONG, in his capacity as Tax Collector, and their successors. The names of none of the other parties Defendants were known to the Plaintiff, and he has exercised diligence to ascertain the facts with regard thereto.

4. Defendant, Lizzie Rachels, took title to the property by Warranty Deed dated March 19, 1955, and held title at the time of the Tax Sale.

5. The Property is currently in the possession of the Plaintiff.

6. The Defendants/Delinquent Taxpayers failed to pay the *ad valorem* real property taxes at the time they were due, and a tax sale was held on .

7. The taxes had been properly assessed against Defendants, the payment of which was secured by a lien on the Property.

8. Defendants had proper notice of the assessment and the delinquency.

9. Because the taxes remained unpaid, on April 2, 2018, the Property was sold at public auction conducted in accordance with state law to the Plaintiff ("Purchasers"). Defendants did not (1) pay the delinquent taxes owed within five days or otherwise file any objections to the Tax Sale under Ala. Code § 40-10-13, (2) redeem the property within three years from the Tax Sale, (3) seek judicial redemption of the Property under Ala. Code § 40-10-82.

10. A Tax Sale Certificate for the Property was issued to Purchaser under Ala. Code § 40-10-19. Then, after the expiration of the three-year administrative redemption period, the Shelby County, Alabama Probate court issued a Tax Deed to the Plaintiff on June 7, 2021, and



20240730000234030 3/5 \$40.00
Shelby Cnty Judge of Probate, AL
07/30/2024 09:24:27 AM FILED/CERT

said Tax Deed is recorded in the Office of Judge of Probate of Shelby County, Alabama, at Instrument Number: 2023121000359290.

11. At the time of the filing of the said Complaint, no suit was pending to test the Plaintiff's title to, interest in, or the right of the possession of said land.

12. The Plaintiff's said Complaint was filed against said land 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 of title to such land or interest, and declare all doubts or disputes concerning the same, and that said Complaint did in all respects comply with the provisions of the law of Alabama.

13. Notice of the pendency of said Complaint was drawn and duly executed, and the Clerk of this Court did have such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper having general circulation and being published in Shelby County, Alabama, as prescribed by the rules of this Court, and the law in such cases made and provided.

14. That no person has intervened or appeared in this cause.

15. The Honorable Vicki Smith was appointed Guardian *Ad Litem* by this Court to represent any and all unknown parties. Said Guardian *Ad Litem* has found no other heirs or other parties who might have an interest in the property described herein.

16. The Plaintiff has proven to the Court its chain of title to said land and that he has exercised and demonstrated his possession and ownership of the subject land required by the law of this State to establish title to same.

17. Based on the evidence before the Court, the Court finds that, with respect to the Tax Sale, all assessments, notices of delinquent taxes, and notices of redemption sent to the



20240730000234030 4/5 \$40.00
Shelby Cnty Judge of Probate, AL
07/30/2024 09:24:27 AM FILED/CERT

interested parties entitled to notice were performed in strict conformity with all statutory requirements. Thus, the Tax Sale validly conveyed the fee simple interest in the Property to the Plaintiff. By virtue of these conveyances, Plaintiff is seized in fee simple in the Property, free and clear of all clouds on the title and Defendants' interests, subject to all easements and restrictions of record.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That the Plaintiff is entitled to the relief prayed for in his Complaint and that the fee simple title claimed by the Plaintiff in the above-described land has been duly proven.

B. That the Plaintiff is the owner of said land and has a fee simple title thereto, free of all liens and encumbrances, and that the Plaintiff's title thereto be and is hereby established, and that all doubts and disputes concerning the same be and are hereby cleared.

C. That the interests of all Defendants are hereby extinguished and held for naught, and the title in and to the above-described property is established in the Plaintiff against the said Defendants, and *in rem* against the above-described property and against any and all persons whomsoever, known or unknown, claiming any title to, interest in, or lien or encumbrance upon said real property, or any part thereof.

D. That The Honorable Vicki Smith, Guardian *Ad Litem* in this cause, is hereby awarded the sum of \$750.00, for serving as such Guardian *Ad Litem* for any and all minors, unknown persons, and persons of unsound mind, which said amount shall be paid directly by Plaintiff to the said Vicki Smith.



20240730000234030 5/5 \$40.00
Shelby Cnty Judge of Probate, AL
07/30/2024 09:24:27 AM FILED/CERT

E. That upon receipt of the funds taxed as costs in this case, which shall include recording fees, the Clerk of this Court shall certify copies of this Judgment and record same in the Office of the Judge of Probate of Shelby County, Alabama, and the same shall be indexed in the same book and in the same manner in which Deeds are recorded and said Judgment shall be indexed in the name of the Defendants against whom this relief is granted in the direct index and in the name of the Plaintiff, Fred Watson, in quiet possession of the land in the reverse index.

F. That Plaintiff shall pay the costs of these proceedings for which let execution issue.

DONE this 19th day of July, 2024.

/s/ WILLIAM H. BOSTICK, III
CIRCUIT JUDGE