



6/27/2024 11:51 AM  
58-CV-2019-900021.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

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

**JOHN ANDREWS,  
DALE PUGH,**

**Plaintiffs,**

**v.**

**ALLOY CAST PRODUCTS, INC., et al.,**

**Defendant.**

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**) CASE NO: CV 2019-900021.00**

## FINAL JUDGMENT

This cause came before the Court to be heard on the Plaintiffs' Motion for Default Judgment and Motion for Final Judgment. Upon consideration of the complaint, including facts verified relative to service by publication, prior orders prescribing and directing notice to the Defendants and appointment of Guardian *ad Litem*, proof of publication of notice of pendency of this proceeding, report of the Guardian *ad Litem* appointed by the Court, the Court makes the following as findings of fact, among other things:

1. The Plaintiffs filed their Verified Complaint in this case for quiet title based on a tax deed on January 8, 2019, on the following described real property, to wit:

**A parcel of land situated in the West 1/2 of the Southeast 1/4 of Section 23, Township 21 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:**

**Commence at a point which lies 225.07 feet North of the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 23, Township 21 South, Range 1 West, Shelby County, Alabama, and run in a Southerly direction along the West line of said 1/4 - 1/4 section a distance of 225.07 feet to the Southwest corner of said 1/4 - 1/4 section; thence deflect 39° 28' 40" and run to the left in a Southeasterly direction a distance of 586.05 feet to a point on the Easterly right of way of Industrial Drive, said point being the point of beginning of the herein described parcel; thence deflect 23° 45' 10" to the tangent of a curve to the left and run to the left along the arc of said curve having a central angle of 99° 23' 15" and a radius of 915.00 feet along said**

**right of way in a Northeasterly direction a distance of 149.92 feet to a point of reverse curve; thence run along the arc of a curve to the right having a central angle of 7°20' 16" and a radius of 1185.00 feet in a Northeasterly direction along said right of way a distance of 151.76 feet to a point; thence run tangent to the last described curve in a Northeasterly direction along said right of way a distance of 249.06 feet to a point; thence turn an interior angle of 44°37'16" and run to the right in a Southeasterly direction a distance of 405.76 feet to point on the Northwesterly right of way of Norfolk Southern Railroad; thence turn an interior angle of 93°59'02" and run to the right in a Southwesterly direction along the Northwesterly right of way of Norfolk Southern Railroad a distance of 370.61 feet to a point; thence turn an interior angle of 95°35'33" and run to the right in a Northwesterly direction a distance of 28.77 feet to the point of beginning of the herein described parcel. Situated in Shelby County, Alabama.**

Also known as 21-6-23-4-001-022.000 and 211 Industrial Parkway, Columbiana, AL 35051 (hereafter "subject property"). [Doc. 2].

2. On or about 20<sup>th</sup> day of February, 2012, the Probate Court of Shelby County, Alabama, rendered a decree that the above-described subject real property be sold for unpaid *Ad Valorem* taxes for tax year 2011. [Doc. 2].

3. On or about April 2, 2012, the Property Tax Commissioner of Shelby County, Alabama sold the above-described property at the Shelby County Tax Sale to the State of Alabama. [Doc. 2.].

4. The Plaintiffs purchased said subject property from the State of Alabama and the State of Alabama conveyed all the right, title and interest of Defendant Alloy Cast Products, Inc. via Tax Deed recorded in Inst. # 20150716000242890. [Doc. 2.].

5. The Defendant Alloy Cast Products, Inc. is no longer maintaining a registered agent or an office in Alabama and has not updated its records with the Alabama Secretary of State since 2007.

6. The Defendant was served by publication in the Shelby County Reporter on October 23, October 30, November 6, and November 13, 2019. [Doc. 45].

7. The Defendant's right, title, interest and claim in or to the above-described subject property was transferred via the Tax Deed to the Plaintiffs, and Defendant's right, title or interest in the subject property was vested in the Plaintiffs and that any title or interest of the Defendant in and to the subject property further described as 211 Industrial Parkway, Columbiana, AL 35051. Parcel Identification Number: 21-6-23-4-001-022.000, is quieted in favor of the Plaintiffs. [Doc. 2].

8. All proceedings regarding the initial sale of the real property and the subsequent issuances of the Tax Deed to the real property were completed in conformity with Alabama law.

9. Plaintiffs or those through whom they claim, are and have been since 2015, in the actual, peaceable, notorious, adverse possession of the following described property, claiming to own the same, being the same property described above, and have held and holds color of title to the said lands, via Tax Deed, being the fee simple interest therein so claimed, and Plaintiffs or those through whom they claim, have duly assessed and paid *ad valorem* taxes since 2011 thereon during Plaintiffs' period of ownership, the description of the property being to wit:

**A parcel of land situated in the West 1/2 of the Southeast 1/4 of Section 23, Township 21 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:**

**Commence at a point which lies 225.07 feet North of the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 23, Township 21 South, Range 1 West, Shelby County, Alabama, and run in a Southerly direction along the West line of said 1/4 - 1/4 section a distance of 225.07 feet to the Southwest corner of said 1/4 - 1/4 section; thence deflect 39° 28' 40" and run to the left in a Southeasterly direction a distance of 586.05 feet to a point on the Easterly right of way of Industrial Drive, said point being the point of beginning of the herein described parcel; thence deflect 23° 45' 10" to the tangent of a curve to the left and run to the left along the arc of said curve having a central angle of 99° 23' 15" and a radius of 915.00 feet along said right of way in a Northeasterly direction a distance of 149.92 feet to a point of reverse curve; thence run along the arc of a curve to the right having a central angle**

**of 7°20' 16" and a radius of 1185.00 feet in a Northeasterly direction along said right of way a distance of 151.76 feet to a point; thence run tangent to the last described curve in a Northeasterly direction along said right of way a distance of 249.06 feet to a point; thence turn an interior angle of 44°37'16" and run to the right in a Southeasterly direction a distance of 405.76 feet to point on the Northwesterly right of way of Norfolk Southern Railroad; thence turn an interior angle of 93°59'02" and run to the right in a Southwesterly direction along the Northwesterly right of way of Norfolk Southern Railroad a distance of 370.61 feet to a point; thence turn an interior angle of 95°35'33" and run to the right in a Northwesterly direction a distance of 28.77 feet to the point of beginning of the herein described parcel. Situated in Shelby County, Alabama.**

10. Plaintiffs are the owners of said land and have 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 otherwise appearing of record in the Office of the Judge of Probate for Shelby County, Alabama.

11. The only other person to intervene is the Honorable Josh Arnold appointed Guardian *Ad Litem* by the Court.

12. That at the time of the filing of the complaint, no suit was pending to test the Plaintiffs' title to, interest in or the right to the possession of said land.

13. That the Plaintiffs' 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 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 provision of the *Code of Alabama, 1975* §§ 6-6-561 and 40-10-83.

14. All unknowns along with the Defendant were served by publication in the Shelby County Reporter on October 23, October 30, November 6, and November 13, 2019. [Doc.45].

15. The Plaintiff has requested *In Rem* Relief.

16. There are no damages as this is an action for quiet title of real property, reformation and redemption.

17. Defendants are not an infant, incompetent person or otherwise under a disability. It is

ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiffs are entitled to the relief prayed for in the complaint and in the amended complaint; and,

ORDERED, ADJUDGED and DECREED that a Default Judgment is entered against the Defendant, Alloy Cast Products, Inc.; and,

ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiffs, John Andrews and Dale Pugh, are entitled to the relief prayed for in the complaint and that the fee simple title claimed by the Plaintiffs in and to the above described lands [with the exceptions noted above] has been duly proved, and that the Plaintiffs are owner of said land and has fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that his title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same are hereby cleared. Defendant, Alloy Cast Products, Inc., is divested of all the right, title, and interest in the above-described subject property. The Plaintiffs are vested with all the right, title and interest of Defendant, Alloy Cast Products, Inc.. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the Circuit Clerk of Shelby County, Alabama will issue a Clerk's Deed conveying all of Defendant, Alloy Cast Products, Inc., right, title and interest in the property to the Plaintiffs; and,

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 it be



indexed in the name of the Plaintiffs and the Defendants, in both the direct index and indirect index of the records thereof; and,

ORDERED, ADJUDGED AND DECREED by the Court that the Honorable Josh Arnold is hereby awarded fee and costs of \$750.00 for his services; and,

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

DONE this 27<sup>th</sup> day of June, 2024.

Lara M. Alvar  
CIRCUIT JUDGE



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
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\$37.00 PAYGE  
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