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11/27/2024 10:10:45 AM
ORDER 1/3



ELECTRONICALLY FILED
11/19/2024 9:49 AM
58-CV-2021-900506.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

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

R & D, LLC,)	
)	
Plaintiff,)	Civil Case No. 2021-900506
)	
v.)	
)	
SOUTH GRANDE VIEW DEVELOPMENT CO.,)	
INC., et al.,)	
)	
Defendants.)	

CONSENT ORDER VACATING DEFAULT JUDGMENT AND QUIET TITLE

THIS CAUSE COMES upon the Motion to Vacate Default Judgment filed pursuant to Ala. R. Civ. P. 60(b)(4) by defendant SOUTH GRANDE VIEW DEVELOPMENT CO., INC. ("South Grande")(Doc. 76)("Motion to Vacate") and the Plaintiff R&D, LLC's Response To Defendant's Motion to Vacate Judgment and Motion to Withdraw Previous Objection (Doc. 87)("Consent and Withdrawal"), withdrawing its previous objection and consenting to the vacating of the default judgments entered by this Court on June 23, 2023 (Doc. 61) and October 26, 2023 (Doc. 70)("Final Decree"). Following this Court's review of the pleadings and the aforesaid Motion and Response, this Court determines that the Motion to Vacate is well founded and due to be granted. The Court therefore FINDS and ORDERS as follows:

1. Plaintiff seeks in this case to quiet title to certain real property located in Shelby County known by the following Parcel Identification Numbers, based on its tax deeds thereto:

Jefferson County, Alabama Parcel ID: 23-5-21-0-009-028.000, having a U.S. Postal Service address of 1076 Grande View Pass, Alabaster, AL 35007

Jefferson County, Alabama Parcel ID: 23-5-21-0-009-027.000, having a U.S. Postal Service address of 1080 Grande View Pass, Alabaster, AL 35007

Jefferson County, Alabama Parcel ID: 23-5-21-0-009-026.00, having a U.S. Postal Service address of 1084 Grande View Pass, Alabaster, AL 35007.

(the "Property").

2. South Grande has presented evidence that service was not effectuated pursuant to Ala. R. Civ. P. 4, nor were the requirements of Ala. Code Section 6-6-560, *et seq.* met with respect to entry of a quiet title decree, *in rem*.

3. The Final Decree contains a legal description which differs, and in fact contains far more real property, from that Property purchased by the Plaintiff. Plaintiff has no right, title, or interest in such real property and its recording of the Decree clouds title to the same.

4. South Grande and Plaintiff agree that South Grande has a meritorious defense to the Complaint filed in this matter and that the Final Decree is due to be vacated.

5. The parties agree that South Grande has a right to redeem the subject Property from the tax deeds held by Plaintiff, and Plaintiff consents to allow such redemption pursuant to Ala. Code Section 40-10-122.

It is therefore

ORDERED, ADJUDGED AND DECREED as follows:

6. The orders of this Court dated June 23, 2023 (Doc. 61) and October 26, 2023 (Doc. 70) are hereby VACATED AND HELD FOR NAUGHT.

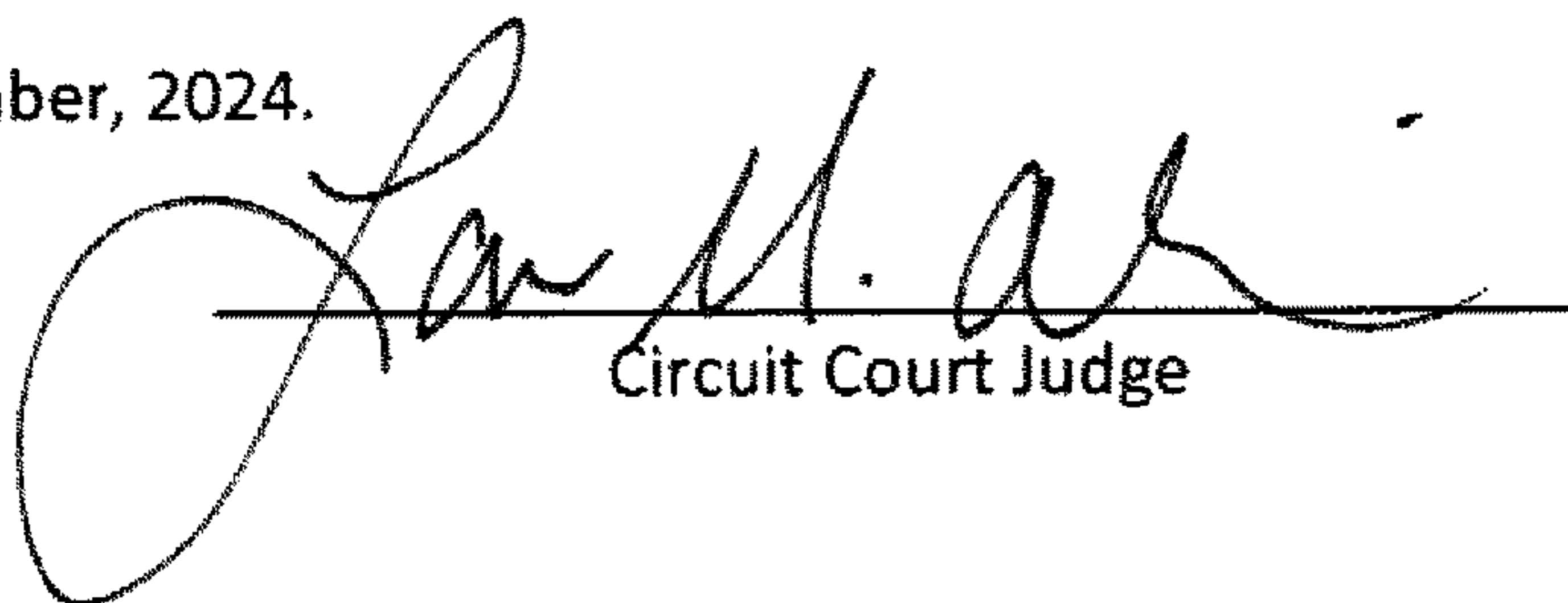
7. Within five (5) days of the date hereof, the Plaintiff shall record a certified copy of this order in the Office of the Judge of Probate of Shelby County, Alabama, which shall void the effect of the aforementioned orders and clear title to the Property and to all real property referenced in such orders. Plaintiff shall cooperate with South Grande to execute and file such other instruments as may be necessary to clear title to the Property to the satisfaction of the title company.

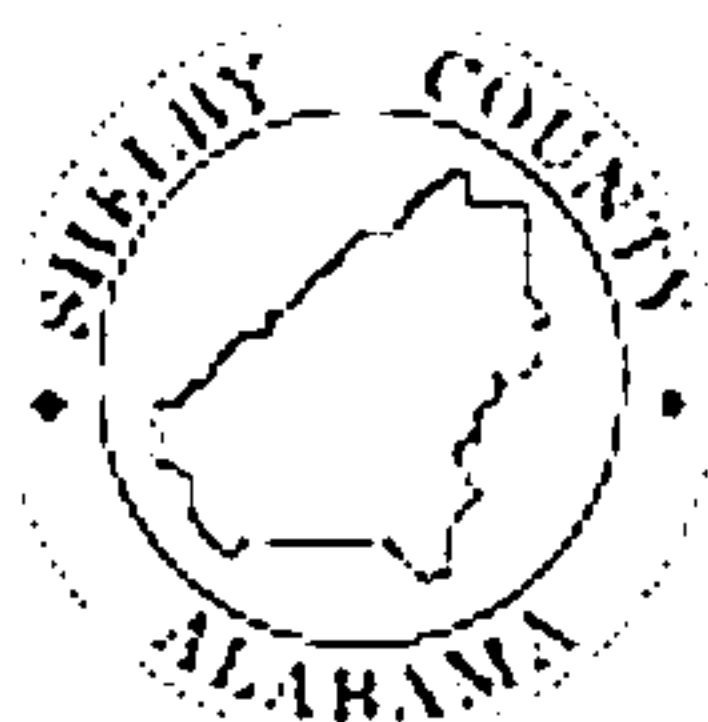
8. South Grande has a right to redeem the subject tax sale to Plaintiff. Accordingly, South Grande's pending Motion for Hearing (Doc. 79) is granted with respect to setting a redemption amount and shall be set for hearing by separate order.

9. The Clerk shall reflect that this matter is ACTIVE.

THIS CAUSE SHALL CONTINUE.

DONE this 18 day of November, 2024.


Circuit Court Judge



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Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
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