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58-CV-2023-900806.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

DAVID P. DAVIS,

Plaintiff,

v.

CASE NO.: CV 2023-900806.00

WARREN JOHNSON, his heirs
or devisee, ALABAMA PLATING
COMPANY, INC., a Delaware
corporation and fictitious Defendants
A, B, C, and D and all other
persons claiming any present, further,
contingent, remainder, reversion, or
other interest in said lands,
and

BEG NE COR SEC2 S460.49 W466.73
N 244.39 W210 N217.54 E TO POB
Further described as:

A part of the NE 1/4 of the NE 1/4 of
Section 2, Township 19, Range 2 East,
Shelby County, Alabama, more
particularly described as follows, to-wit:
Commence at the Northeast corner of said
1/4-1/4 section for point of beginning; run
thence Southerly along the Eastern
boundary of said 1/4-1/4 section a distance
of 460 feet 6 inches to a point; thence
turn to the right and run Westerly
parallel with the Northern boundary of
said 1/4 - 1/4 section a distance of 514
feet 6 inches, more or less, to a point in
the center of the old Coosa Valley Road;
thence turn to the right and run in a
Northwesterly direction along the center
line of the old Coosa Valley Road a
distance of 200 feet, more or less, to a
point where the center line of the old
Coosa Valley Road is intersected by the
Easterly right-of-way line of the present
paved highway, U.S. No. 231, or
Alabama No. 25; thence turn to the right
and run in a Northerly direction along
the Eastern Boundary or right-of-way of

Certified a true and correct copy
Date: 2/25/25
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

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said paved highway a distance of 220)
 feet 2 inches to a point where the same)
 intersects the Northern boundary of said)
 1/4 - 1/4 section; thence turn to the right)
 and run Easterly along the Northern)
 Boundary of said 1/4 - 1/4 section a)
 distance of 653 feet 8 inches, more or less,)
 to point of beginning.)

Defendants.)

FINAL JUDGMENT

This cause came before the Court to be heard on the Plaintiffs' Motion for Judgment on the Pleadings and Plaintiff's Application for Default and Motion for Default Judgment against Defendant Alabama Plating Company, Inc. Upon consideration of the Verified Complaint and Amended Complaint, including facts verified relative to service, and the Consent Answer of Defendant Warren Johnson, the Court makes the following as findings of fact, among other things:

1. The Plaintiff filed his Verified Complaint in this case for quiet title based on a tax deed on October 27, 2023 and his Amended Complaint on August 6, 2024, on the following described real property, to wit:

BEG NE COR SEC2 S460.49 W466.73 N 244.39 W210 N217.54 E TO POB

Further described as:

A part of the NE 1/4 of the NE 1/4 of Section 2, Township 19, Range 2 East, Shelby County, Alabama, more particularly described as follows, to-wit: Commence at the Northeast corner of said 1/4-1/4 section for point of beginning; run thence Southerly along the Eastern boundary of said 1/4-1/4 section a distance of 460 feet 6 inches to a point; thence turn to the right and run Westerly parallel with the Northern boundary of said 1/4 - 1/4 section a distance of 514 feet 6 inches, more or less, to a point in the center of the old Coosa Valley Road; thence turn to the right and run in a Northwesterly

direction along the center line of the old Coosa Valley Road a distance of 200 feet, more or less, to a point where the center line of the old Coosa Valley Road is intersected by the Easterly right-of-way line of the present paved highway, U.S. No. 231, or Alabama No. 25; thence turn to the right and run in a Northerly direction along the Eastern Boundary or right-of-way of said paved highway a distance of 220 feet 2 inches to a point where the same intersects the Northern boundary of said 1/4 - 1/4 section; thence turn to the right and run Easterly along the Northern Boundary of said 1/4 - 1/4 section a distance of 653 feet 8 inches, more or less, to point of beginning.

Further, described as 1708 HWY 231, Vincent, AL 35178 and Parcel Identification Number: 07-1-02-0-001-001.000. [Doc. 2 and 75].

Chain of Title

2. On or about 6th day of April, 2009, 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 2008. [Doc. 6].
 3. On or about the 4th day of May, 2009, 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. 6].
 4. Willard L or Celeste J. McVey purchased said property from the State of Alabama and was issued a tax deed which is recorded in Inst. # 20150831000301050.
- The subject property is described as follows:

BEG NE COR SEC2 S460.49 W466.73 N 244.39 W210 N217.54 E TO POB

Further described as:

A part of the NE 1/4 of the NE 1/4 of Section 2, Township 19, Range 2 East, Shelby County, Alabama, more particularly described as follows, to-wit: Commence at the Northeast corner of said 1/4-1/4 section for point of beginning; run thence Southerly

along the Eastern boundary of said 1/4-1/4 section a distance of 460 feet 6 inches to a point; thence turn to the right and run Westerly parallel with the Northern boundary of said 1/4 - 1/4 section a distance of 514 feet 6 inches, more or less, to a point in the center of the old Coosa Valley Road; thence turn to the right and run in a Northwesterly direction along the center line of the old Coosa Valley Road a distance of 200 feet, more or less, to a point where the center line of the old Coosa Valley Road is intersected by the Easterly right-of-way line of the present paved highway, U.S. No. 231, or Alabama No. 25; thence turn to the right and run in a Northerly direction along the Eastern Boundary or right-of-way of said paved highway a distance of 220 feet 2 inches to a point where the same intersects the Northern boundary of said 1/4 - 1/4 section; thence turn to the right and run Easterly along the Northern Boundary of said 1/4 - 1/4 section a distance of 653 feet 8 inches, more or less, to point of beginning.

5. Further, the subject property was sold at the 2006 Shelby County Tax Sale for the 2005 ad valorem taxes. The State of Alabama purchased the property at the 2006 Shelby County Tax Sale. [Doc. 7].

6. At some point, Warren Johnson purchased the subject property from the State of Alabama. [Doc. 7].

7. The Defendant Alabama Plating Company, Inc. ceased operation around 2001. [Doc. 8 and 9].

8. On or about 21st day of June 2023, Willard L or Celeste J. McVey conveyed the subject property to the Plaintiff via Quitclaim Deed. [Doc. 3].

Procedural History

9. On or about October 27, 2023, the Plaintiff filed its Verified Complaint. [Doc. 2].

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10. The Defendant, Warren Johnson, were served on January 27, 2024. [Doc. 40]. The Defendant, Alabama Plating Company, Inc., was served on January 26, 2024. [Doc. 41].

11. On or about February 20, 2024, the Defendant Warren Johnson filed a Consent Answer stating that he consented to the Complaint and waived and disclaimed any interest in the subject property described above. [Doc. 18].

12. On or about March 7, 2024, the Plaintiff filed an Application for Default and Motion for Default against the Defendant, Alabama Plating Company, Inc., [Doc. 54].

13. On or about March 11, 2024, the Circuit Clerk of Shelby County, Alabama entered a default against Alabama Plating Company, Inc. [Doc. 58].

14. On or about August 6, 2024, Plaintiff filed his Amended Complaint. [Doc. 75].

15. On or about September 9, 2024, Plaintiff recorded his Lis Pendens in Instrument Number 20240909000278540 in the Probate Records of Shelby County, Alabama. [Doc. 125].

16. Plaintiff has served all known and unknown Defendants via publication in the Shelby County Reporter on December 15, 2024, December 22, 2024, December 29, 2024 and January 5, 2025. [Doc. 109 and 124].

17. All proceedings regarding the initial sale of the real property and the

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subsequent issuances of the Tax Deed to the real property were completed in conformity with Alabama law.

18. Plaintiff or those through whom it claims, is and has 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 has held and holds color of title to the said lands, via Tax Deeds, being the fee simple interest therein so claimed, and Plaintiff or those through whom it claims, has duly assessed and paid *ad valorem* taxes thereon during Plaintiff's period of ownership, the description of the property being to wit:

19. Plaintiff is the owner 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.

20. The only other person to intervene is the Honorable Dan Head appointed Guardian *Ad Litem* by the Court.

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

22. That the Plaintiff's 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

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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.

23. The Plaintiff is requesting *In Rem* Relief and *In Personam* Relief.

24. There are no damages as this is an action for quiet title of real property, reformation and redemption and the Plaintiff is asking for *In Rem Relief* and *In Personam*.

25. Defendants are not an infant, incompetent person or otherwise under disability.

ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff is entitled to the relief prayed for in the Complaint and Amended Complaint and that the fee simple title claimed by the Plaintiff in and to the above described lands [with the exceptions noted above] has been duly proved, and that the Plaintiff is owner of said land and has fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that their title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same are hereby cleared. A Default Judgment is entered against Defendant, Alabama Plating Company, Inc. Further, Defendant, Alabama Plating Company, Inc., is divested of all the right, title, and interest in the above-described subject property. The Plaintiff, David P. Davis, is vested with all the right, title and interest of Defendant, Alabama Plating Company, Inc. It is further

ORDERED, ADJUDGED AND DECREED by the Court based on the Consent Answer of Defendant Warren Johnson that Defendant is divested of all right, title and

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interest in the subject property. The Plaintiff is vested with all of Defendant's, Warren Johnson, right, title and interest in the subject property. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the following described property is quieted in the name of the Plaintiff, David P. Davis, to wit:

BEG NE COR SEC2 S460.49 W466.73 N 244.39 W210 N217.54 E TO POB

Further described as:

A part of the NE 1/4 of the NE 1/4 of Section 2, Township 19, Range 2 East, Shelby County, Alabama, more particularly described as follows, to-wit: Commence at the Northeast corner of said 1/4-1/4 section for point of beginning; run thence Southerly along the Eastern boundary of said 1/4-1/4 section a distance of 460 feet 6 inches to a point; thence turn to the right and run Westerly parallel with the Northern boundary of said 1/4 - 1/4 section a distance of 514 feet 6 inches, more or less, to a point in the center of the old Coosa Valley Road; thence turn to the right and run in a Northwesterly direction along the center line of the old Coosa Valley Road a distance of 200 feet, more or less, to a point where the center line of the old Coosa Valley Road is intersected by the Easterly right-of-way line of the present paved highway, U.S. No. 231, or Alabama No. 25; thence turn to the right and run in a Northerly direction along the Eastern Boundary or right-of-way of said paved highway a distance of 220 feet 2 inches to a point where the same intersects the Northern boundary of said 1/4 - 1/4 section; thence turn to the right and run Easterly along the Northern Boundary of said 1/4 - 1/4 section a distance of 653 feet 8 inches, more or less, to point of beginning.

Further, described as 1708 HWY 231, Vincent, AL 35178 and Parcel Identification

Number: 07-1-02-0-001-001.000. 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,

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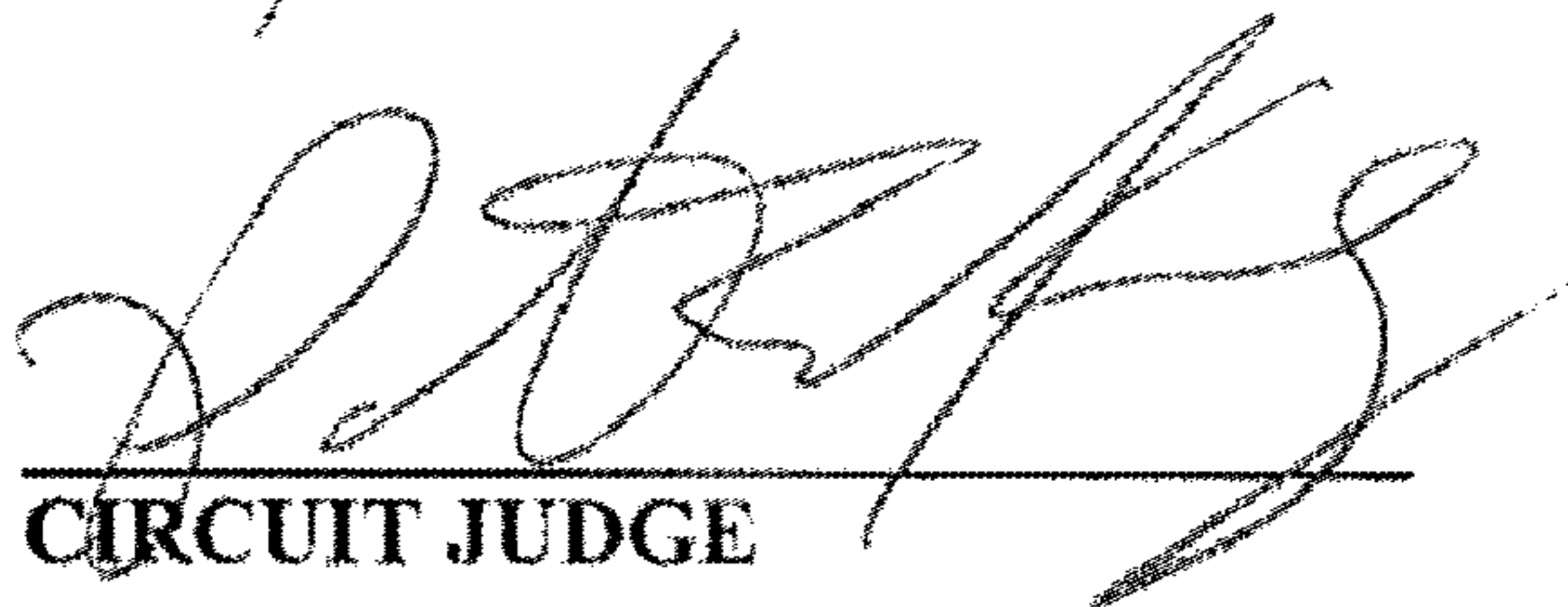
and it be indexed in the name of the Plaintiff and the Defendants, in both the direct index and indirect index of the records thereof. It is further

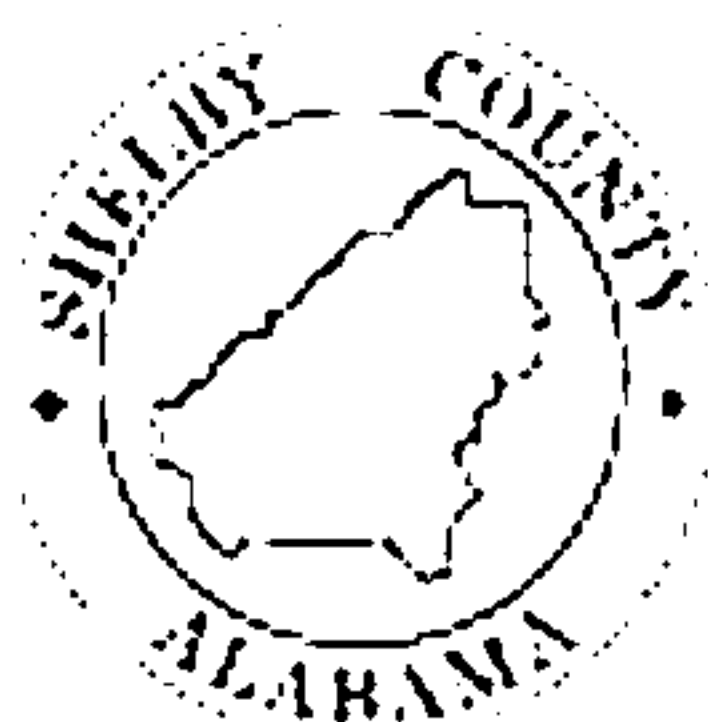
ORDERED, ADJUDGED AND DECREED by the Court that the Honorable Dan Head is hereby awarded fee and costs of One Thousand and 00/100ths Dollars (\$1,000.00), for his services as Guardian *ad Litem* in this proceeding. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the Circuit Clerk of Shelby County, Alabama will issue a clerk's deed conveying all the Defendants' right, title and interest in the property to the Plaintiff. It is further

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

DONE this 25th day of February, 2025.


CIRCUIT JUDGE



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
03/03/2025 01:21:59 PM
\$47.00 BRITTANI
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Allen S. Bayl