

AP/EX A



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59-CV-2014-900061.00
CIRCUIT COURT OF
ST. CLAIR COUNTY, ALABAMA
ANNETTE MANNING, CLERK

IN THE CIRCUIT COURT OF ST. CLAIR COUNTY, ALABAMA
ASHVILLE DIVISION

ROLL TIDE HOMES, LLC,
Plaintiff,

V.

GRAVELING JAMES F.,
GRAVELING LORI J.,
Defendants.

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) Case No.: CV-2014-900061.00
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Order Granting Plaintiff's Motion for Summary Judgment

This matter coming to be heard on the Plaintiff's Motion for Summary Judgment, and the Court having reviewed the pleadings of the parties and heard the argument of counsel for the Plaintiff and the arguments of the *pro se* Defendants, the Court is of the opinion that the Plaintiff's Motion Summary Judgment is due to be GRANTED, the Court having made the following finding of facts, to wit:

FINDING OF FACTS

1. That the Plaintiff brings this action of ejectment against the Defendants, pursuant to §6-6-280 Code of Alabama (1975), in regards to that certain property with a legal description of

A part of the Southwest ¼ of Section 10, Township 16 South, Range 2 East, being more particularly described as follows: Commence at the Southeast corner of the Southwest ¼ of Section 10, Township 16 South, Range 2 East, St. Clair County, Alabama, Ashville Division, and run in a Northerly direction and along the East line of said ¼ section and along an old fence a distance of 1318.06 feet to a point; thence deflect 90 degrees 31 minutes 10 seconds to the left and run in a Westerly direction and along a fence a distance of 1209.08 feet, thence deflect 90 degrees 13 minutes 20 seconds to the right 577.34 feet to the Point of Beginning of tract herein described; thence continue along the last named course 257.98 feet, thence deflect 84 degrees 51 minutes 40 seconds to the left in a Northwesterly direction 396.33 feet to the Southeasterly Right of Way of a county road; thence deflect 75 degrees 25 minutes to the left in a Southwesterly direction and along right of way 243.42 feet, thence deflect 102 degrees 20 minutes 10 seconds to the left in a Southeasterly direction 482.61 feet to the Point of Beginning,

and more commonly known as 1670 Simpson Road, Odenville, AL 35120.

2. That prior to bringing said action for ejectment, the Defendants had previously executed a mortgage to Castle Mortgage Corporation on September 28, 2001, said mortgage having been recorded in Book 2001 Page 36305 in the Probate Office of St. Clair County, Alabama, and subsequently transferred and assigned to BankUnited, N.A. by instrument recorded in Book 2012, Page 30940 in the Probate Office of St. Clair County, Alabama.

3. BankUnited, N.A. subsequently conducted a foreclosure of the property, with the foreclosure sale being held on January 18, 2013, resulting in a Foreclosure Deed to BankUnited, N.A. said deed being recorded in Real 2013 Page 1041 in the Probate Office of St. Clair County, Alabama.

4. The Plaintiff in this matter purchased the subject property from BankUnited, N.A. in a subsequent conveyance via Special Warranty Deed dated March 3, 2014, and recorded in Book 2014 Page 2613 in the Probate Office of St. Clair County, Alabama.

5. On or about April 8, 2014, Plaintiff served or caused to be served upon the Defendants written Demand for Possession of the subject property pursuant to § 6-5-251 Code of Alabama (1975), with the Defendants acknowledging their receipt of the notice by written response back to the Counsel for the Plaintiff.

6. The Defendants failed to surrender possession of the premises to the Plaintiff within the ten (10) days provided by § 6-5-251 Code of Alabama (1975), and as demanded in the Plaintiff's Demand for Possession.

7. The Defendants are currently in possession of the property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

That the Court finds no merit in the arguments and pleadings of the Defendants, and further that there is no genuine issue of material fact in controversy and the Plaintiff is entitled to a judgment as a matter of law. The Plaintiff is entitled to possession as claimed in the complaint and judgment is hereby entered in favor of Plaintiff and against Defendants on the claim for possession in the complaint. The Court hereby orders and adjudges that the following property, as described in the complaint, and herein, be restored to Plaintiff:

1670 Simpson Road

Odenville, AL 35120

DONE this 20th day of October, 2014.

/s/ PHIL K SEAY
CIRCUIT JUDGE