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58-CV-2013-900910.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY,

COMPASS BANK,

Plaintiff,

v.

GARY D. BARNETT;
VICKIE D. BARNETT;
WILLIAM SIMRIL, et al.,

Defendants.

CIVIL ACTION NO.:
CV-2013-900910



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Shelby Cnty Judge of Probate, AL
09/12/2014 02:00:07 PM FILED/CERT

ORDER

This action having come before the Court upon the parties' Joint Stipulation for Entry of Judgment by Consent, the Court finds that the relief requested in Plaintiff's Complaint is due to be granted as set forth herein and hereby **ORDERS** as follows:

1. The subject Mortgage granted by Gary D. Barnett and Vickie D. Barnett to Compass Bank, now known as BBVA Compass Bank, dated March 8, 2006 and recorded in the Office of the Judge of Probate of Shelby County at Instrument No. 20060330000147430, modified by a Modification of Mortgage recorded at Instrument No. 20070717000333700 and a partial Release of Lien recorded at Instrument No. 20101110000377990 in said Probate Office, and corrected by Scrivener's Affidavits recorded at Instrument No. 20110902000259910 and Instrument No. 20110902000259920 in said Probate Office **SHALL** hereby be reformed and revised to replace the legal description included therein and to reflect the intention of the parties thereto to convey and encumber the interest of said Gary D. Barnett and Vickie D. Barnett as mortgagor in the following property:

TRACT #5-A: A Resurvey of part of Lot 5 of Shelby Estates, and also being a part of the South 1/2 of the SE 1/4 of the SW 1/4 of Section 9, Township 19 South, Range 2 East, Shelby County, Alabama, and being more particularly described as follows: Commence at the Northwest Corner of the South 1/2 of the SE 1/4 of the SW 1/4 of Section 9, Township 19 South, Range 2 East, thence run South along the West line thereof a distance of 92.26 feet; thence turn left 84 degrees 26' and run Southeasterly a distance of 1100.00 feet to the point of beginning of the property described herein; thence continue along the last described course a distance of 300.00 feet; thence turn right 84 degrees 26' and run South a distance of 742.59 feet to the Northerly right of way line of County Road No. 83; thence turn right and run Northwesterly along said right of way line a distance of 320 feet, more or less, thence turn right and run Northerly a distance of 646.62 feet to the point of beginning.

The above described property is one and the same as property conveyed to Gary D. Barnett and Vickie D. Barnett in Warranty Deeds recorded in Volume 357, Page 597 and Real 9, Page 782, in the Probate Office of Shelby County, Alabama. Less and except any portion of subject property lying within a road right of way.

ALSO:

Commence at the Northwest Corner of the South 1/2 of the SE 1/4 of the SW 1/4 of Section 9, Township 19 South, Range 2 East; thence run South along the West line thereof a distance of 92.26 feet; thence turn left 84 deg. 26 min. and run Southeasterly a distance of 1100.00 feet to the point of beginning of the property described herein; thence turn an interior angle to the left of 96 deg. 40 min. 09 sec. and run South a distance of 647.42 feet to the Northerly right of way of County Road No. 83; thence turn an interior angle to the left of 01 deg. 45 min. 04 sec. and run Northerly 650.05 feet; thence turn an interior angle to the left of 81 deg. 34 min. 47 sec. and run Southeasterly 20.00 feet to the point of beginning.

2. The lien asserted by Defendant William Simril against said real property having been released, this Court finds that Compass's Mortgage constitutes the superior lien, mortgage or encumbrance on this reformed parcel, and authorizes Compass to conduct foreclosure proceedings by non-judicial means. The Court instructs Compass to foreclose on the reformed mortgage by scheduling a foreclosure sale within forty-five (45) days of the entry of this Order, advertise said foreclosure sale by publication in the Shelby County Reporter for three (3) consecutive weeks, conduct said sale as scheduled at the

front steps of the Shelby County Courthouse in Columbiana, Alabama, credit bid at the sale at its discretion, and apply to its indebtedness the amount of the credit bid or any proceeds from the sale should the property be sold to a third party bidder.

3. Upon conclusion of the foreclosure sale, Compass shall report to the Court as to the result of the foreclosure sale and submit a proposed order confirming said sale.

4. Per the stipulation of the parties, any and all rights of redemption of any party to this action are expressly waived.

5. Defendants Gary and Vickie Barnett shall vacate the premises of the subject property and surrender possession of said property to Compass Bank on or before November 1, 2014.

6. Costs of this action are to be taxed as paid.

7. Counsel for Plaintiff Compass Bank is instructed to record this Order with the Office of the Judge of Probate of Shelby County, Alabama.


Corey B. Moore
Circuit Court Judge