



AlaFile E-Notice

58-CV-2013-900318.00

Judge: WILLIAM H. BOSTICK, III

To: PICKENS MARK ANDERSON
mark@markapickens.com



20151007000351830 1/5 \$26.00
Shelby Cnty Judge of Probate, AL
10/07/2015 10:18:00 AM FILED/CERT

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MIDFIRST BANK V. JAMES M TURNER ET AL
58-CV-2013-900318.00

The following matter was FILED on 9/23/2015 9:56:09 AM

Notice Date: 9/23/2015 9:56:09 AM

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
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205-669-3760
mary.harris@alacourt.gov



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9/23/2015 9:56 AM
58-CV-2013-900318.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MIDFIRST BANK, a Federally
Chartered Savings Association,

Plaintiff,

v.

JAMES M. TURNER, an individual,
and KATHY S. TURNER, an individual,
et al.

Defendants.

CASE NO. CV 2013-900318.00

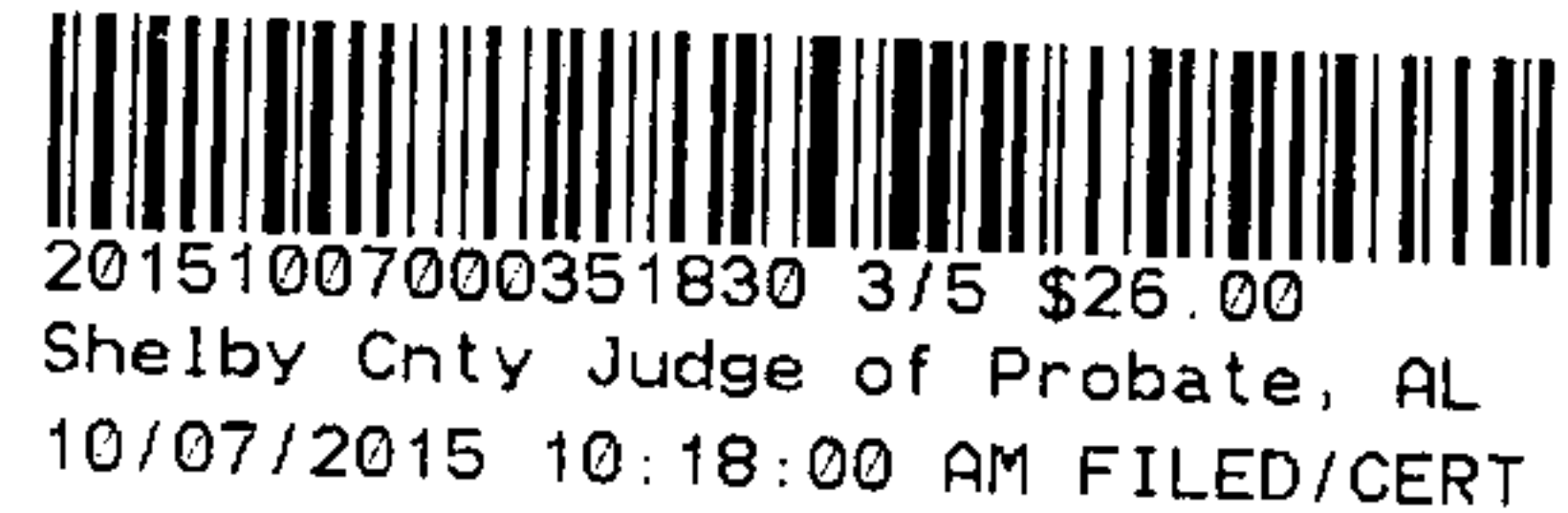


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AMENDED FINAL JUDGMENT

The Court *sua sponte* amends the Final Order of August 17, 2015, as follows: This cause came before the Court on the Plaintiff's Motion for Judgment on the Pleadings, and the Court finds that the only Defendant being the real property described herein below and nothing has been filed in opposition to the relief sought by the Plaintiff in its Complaint for Declaratory Judgment. The Court having considered the pleadings, the evidence, and exhibits the Court enters the following ORDER:

1. The following mortgage, assignments, modifications and foreclosure deed are hereby reformed to correct the legal description: Mortgage to Hogarty Funding Group recorded in Instrument Number 20031218000814950 and said mortgage rerecorded in Instrument Number 20110321000088210. Said mortgage transferred and assigned to American Financial Network and recorded in Instrument Number 20031218000814960 and rerecorded in Instrument Number 20110321000088220. Said mortgage transferred and assigned to Washington Mutual Bank, fka Washington Mutual Bank, F.A. in Instrument Number 20110321000088270. Said mortgage transferred and assigned to Mortgage Electronic Registration Systems, Inc. in Instrument Number 20070611000272010 and rerecorded in Instrument Number 20110321000088230 and in



Instrument Number 20080723000296690 and rerecorded in Instrument Number 20110321000088250. Said mortgage transferred and assigned to MidFirst Bank in Instrument Number 20080618000247850 and rerecorded in Instrument Number 20110321000088240. A modification of said mortgage with Mortgage Electronic Registration Systems, Inc. and MidFirst Bank on August 18, 2008 recorded in Instrument Number 20081010000401490 and rerecorded 20110321000088260. Said real property was foreclosed by MidFirst Bank and said Foreclosure Deed is recorded in Instrument Number 20140127000024560. All Instruments are recorded in the Office of the Judge of Probate of Shelby County, Alabama. The correct legal description is as follows:

Lot 11, Block 2, according to the Survey of Pine Hills Subdivision, as recorded in Map Book 4, page 45, in the Probate Office of Shelby County, Alabama.

The 2003 Southern Energy mobile home, serial number DSEAL15887ABC made a part of this mortgage is taxable solely as real estate and there are no outstanding personal property or motor vehicle taxes.

That the manufactured home described in the Complaint, to wit:

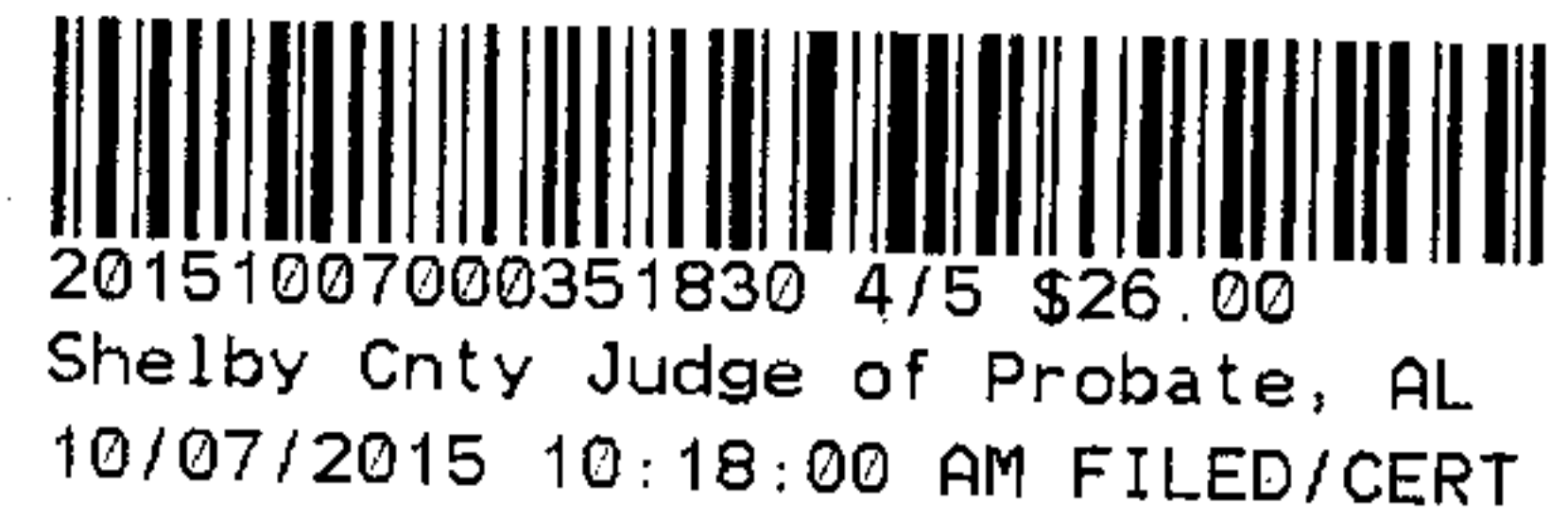
A 2003 Southern Energy mobile home, serial number DSEAL15887ABC is now and has been affixed to the real property described as:

Lot 11, Block 2, according to the Survey of Pine Hills Subdivision, as recorded in Map Book 4, page 45, in the Probate Office of Shelby County, Alabama.

The 2003 Southern Energy mobile home, serial number DSEAL15887ABC made a part of this mortgage is taxable solely as real estate and there are no outstanding personal property or motor vehicle taxes.

2. That the manufactured home has lost its character as personal property and has become part of the real estate described above and is affixed thereto.

3. That the above described manufactured home is included in and covered by the



mortgage foreclosure deed to the Plaintiff, MidFirst Bank, Instrument Number 20140127000024560, in the Office of the Judge of Probate of Shelby County, Alabama.

4. That service of process was had in strict compliance with the provisions of the *Code of Alabama, 1975* ' 6-6-564 and Rule 4.3 of *Alabama Rules of Civil Procedure*, and the Court finds as a fact that Plaintiff exercised diligence to ascertain all of the facts in regard to the names of the proper parties Defendants.

5. That all of the allegations of fact contained in the complaint are true; that there was proper service of process on all of the Defendants named in the complaint.

6. That the Defendants named in the complaint contained all names known to the Plaintiff after the exercise of diligence.

7. That all matters and transactions dealing with the legal description of the real estate described above including, but not limited to deeds, mortgages, assignments, foreclosures, liens and encumbrances do include said manufactured home as being affixed to said real estate and is one and the same as said real estate.

8. A copy of this ORDER shall be recorded in the Office of the Judge of Probate of Shelby County, Alabama and properly indexed in the following names: MIDFIRST BANK.

9. There are no other Defendants who may have any right, title, claim or interest to the manufactured home described herein.

10. This Court finds that the owner of said manufactured home is MidFirst Bank.

11. The Plaintiff, MidFirst Bank, or its agent or its attorney is hereby authorized to execute any and all documents necessary to apply for and obtain a valid Certificate of Title for said manufactured home issued by the Alabama Department of Revenue, Motor Vehicle Division-Title Section listing the owner as MidFirst Bank.



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12. The Plaintiff, MidFirst Bank, or its agent or its attorney, **Mark A. Pickens** is hereby authorized to execute any and all documents necessary with the Judge of Probate of Shelby County, Alabama, and the Property Tax Commissioner of Shelby County, Alabama, and any other agency or department of the State of Alabama and/or Shelby County, Alabama.

13. Based on the facts before the Court, all right, title, interest or claims to the mobile home described herein which may have risen in the past or arise in the future are hereby adjudicated and this is a final judgment determining those claims in all respects.

14. Court cost are taxed against the Plaintiff.

DONE and **ORDERED** this 23rd day of September, 2015.

/s/WILLIAM H. BOSTICK, III
CIRUIT JUDGE