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58-CV-2016-900534.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

v.

KEVIN J. KOZLEK and AMY M. KOZLEK,

Defendants.

CASE NO.:

58-CV-2016-900534.00



20160902000320160 1/4 \$24.00
Shelby Cnty Judge of Probate, AL
09/02/2016 01:02:38 PM FILED/CERT

CONSENT ORDER AND FINAL JUDGMENT

WHEREAS, JPMorgan Chase Bank, N.A. (the "Plaintiff") is the holder of a Mortgage executed by Kevin J. Kozlek ("Mr. Kozlek") and Amy M. Kozlek ("Mrs. Kozlek") in favor of Mortgage Electronic Registration Systems, Inc. as a nominee for Homecomings Financial Network, Inc. (the "Mortgage"). The Mortgage was originally recorded on July 11, 2006 as Instrument Number 20060711000825730 in Book LR200611, Page 21870 in the Probate Court of Jefferson County, Alabama and encumbers real property located at 5217 Meadowbrook Road, Birmingham, Alabama 35242 (the "Property"), which is the Property that is the subject of this Complaint. The Property is more particularly described as follows:

LOT 65, ACCORDING TO THE SURVEY OF MEADOW BROOK, 4TH SECTOR, AS RECORDED IN MAP BOOK 7, PAGE 67, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA;

WHEREAS, on January 16, 2004, Eric S. Likos and wife Cheryl Likos conveyed the Property to Mr. Kozlek and Mrs. Kozlek via Joint Survivorship Deed (the "Warranty Deed"), which was recorded on January 20, 2004 as Instrument Number 20040120000033640 in the Probate Court of Shelby County, Alabama;

WHEREAS, on June 16, 2006, Mr. Kozlek and Mrs. Kozlek obtained a refinance loan (the "Loan") from Homecomings Financial Network, Inc. in original the amount of Forty-Five

Thousand dollars (\$45,000.00). To evidence this indebtedness, Mr. Kolzek and Mrs. Kolzek executed a promissory note in favor of Homecomings Financial Network, Inc. (the "Note");

WHEREAS, to secure repayment of the Loan, Mr. Kolzek and Mrs. Kozlek executed the Mortgage;

WHEREAS, by mistake, Page One (1) of the Mortgage describes the property as being located in Jefferson County, Alabama instead of Shelby County, Alabama despite the correct legal description being attached to the Mortgage. As a result and also by mistake, the Mortgage was originally recorded in Jefferson County, Alabama instead of Shelby County, Alabama, which was unintended by the parties. The Parties intended that the Mortgage be recorded in the correct county, Shelby County, to properly secure the Property;

WHEREAS, to provide notice to the world of the aforementioned errors and the existence of the Mortgage, counsel for Plaintiff executed an Affidavit Regarding Unrecorded Mortgage (the "Affidavit") on January 25, 2016. The Affidavit and a certified copy of the Mortgage was recorded on February 10, 2016 as Instrument Number 20160210000043550 in the Probate Records for Shelby County, Alabama;

WHEREAS, the Plaintiff, Mr. Kozlek and Mrs. Kozlek consent and agree that the certified copy of the Mortgage, recorded with the Affidavit in Instrument Number 2016021000043550 the Probate Court of Shelby County, Alabama, should be declared a valid, enforceable, first-priority security interest on the Property and is in full force and effect as if it were the original; and

WHEREAS, the Plaintiff, Mr. Kozlek and Mrs. Kozlek further consent and agree that the Mortgage, thus established, should be reformed by deleting the reference to "Jefferson County" on Page One (1) and by replacing with the correct reference of "Shelby County".

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the certified copy of the Mortgage, recorded with the Affidavit in Number 20160210000043550 the Probate Court of Shelby County, Alabama, is hereby declared a valid, enforceable, first-priority security interest on the Property and is in full force and effect as if it were the original; and

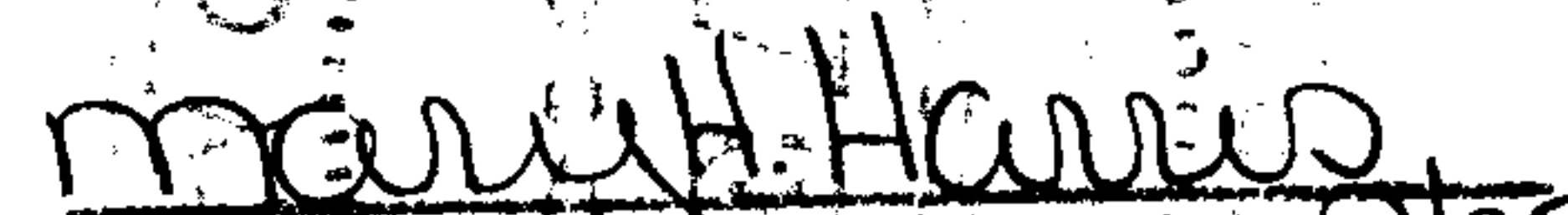
WHEREFORE IT IS FURTHER ORDERED AND ADJUDGED that the Mortgage, thus established, is hereby reformed by deleting the reference to "Jefferson County" on Page One (1) and by replacing with the correct reference of "Shelby County."

SO ORDERED, this 17th day of August, 2016.



Sara M. Albin
Shelby County Circuit Court Judge


Certified a true and correct copy

Date: 08-25-16



Mary H. Harris, Circuit Clerk
Shelby County, Alabama

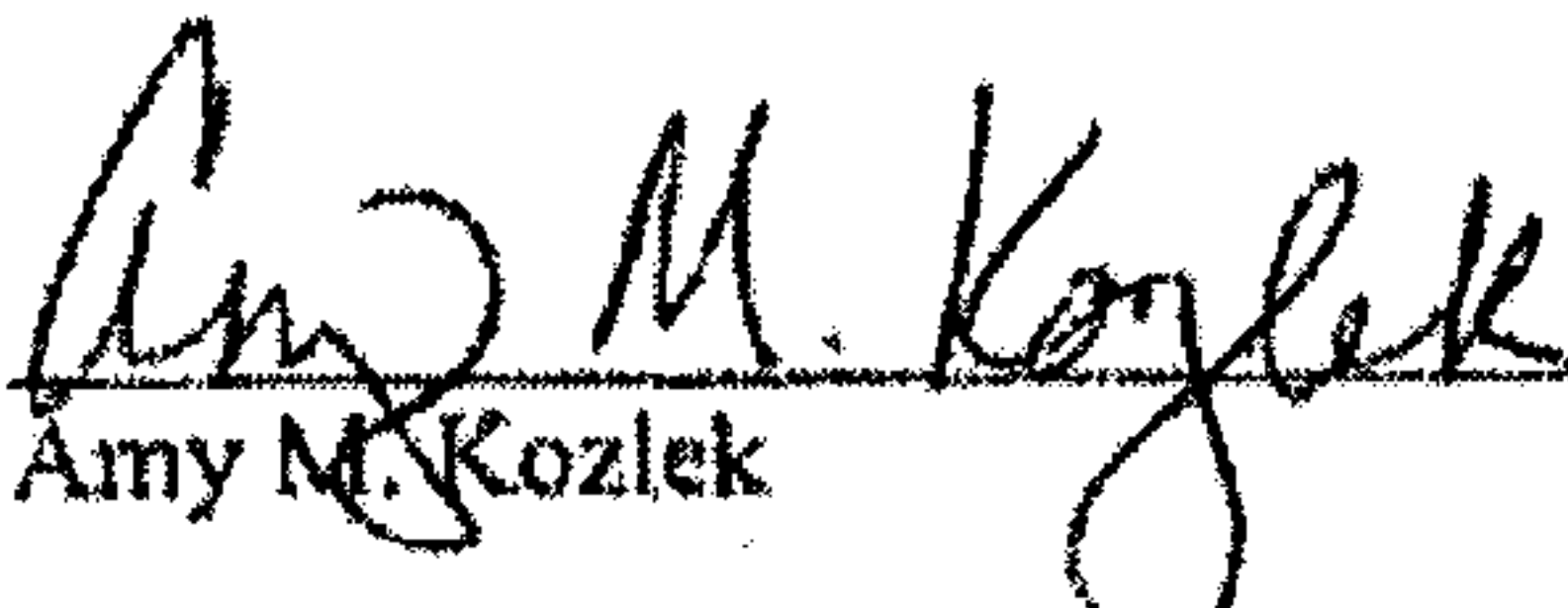
Stipulated to and consented to by:


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CONSENTED TO:



Kevin J. Kozlek



Amy M. Kozlek

STATE OF Alabama
COUNTY OF Jefferson


Personally appeared before me, the undersigned, a Notary Public, in and for the state and County aforesaid, Kevin J. Kozlek and Amy M. Kozlek, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS MY HAND and office, this the 8th day of Aug, 2016.


MARANDA MONEAK HOLMES
My Commission Expires
September 25, 2018


NOTARY PUBLIC
My Commission Expires: 09/25/2018

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