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Shelby Cnty Judge of Probate, AL  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF AMERICA )

vs. )

Case No. CR-90-228-S

BILLY JOE MONTGOMERY, )

Defendant. )

**ENTERED**  
**AUG - 1 2006**

ORDER EXONERATING BOND

This cause comes before the court on the motion of Richard W. Bell, former attorney for defendant Billy Joe Montgomery, filed July 27, 2006, to exonerate the appearance bond previously executed by C.P. Walker and Ann L. Walker, as sureties, and to release the mortgage given by them as security for the bond. On November 21, 1990, C.P. Walker and Ann L. Walker, acting as sureties, signed an appearance bond in the amount of \$20,000, securing the bond for defendant Billy Joe Montgomery. They also executed a mortgage in said amount in favor of the United States of America on real property owned by them, situate and being in Shelby County, Alabama, and described as follows:

All of Lots 3 and 4, Block 2, except the West 142 feet of said lots, according to the Buck Creek Cotton Mills Subdivision, a map of which is recorded in the office of the Judge of Probate of Shelby County, Alabama, in Map Book 3 Page 9.

The mortgage secured the obligations of the appearance bond, and in particular the defendant's obligation to appear in court and surrender for service of any sentence imposed upon him. Defendant now has been convicted and sentenced in the United States District Court for the Southern District

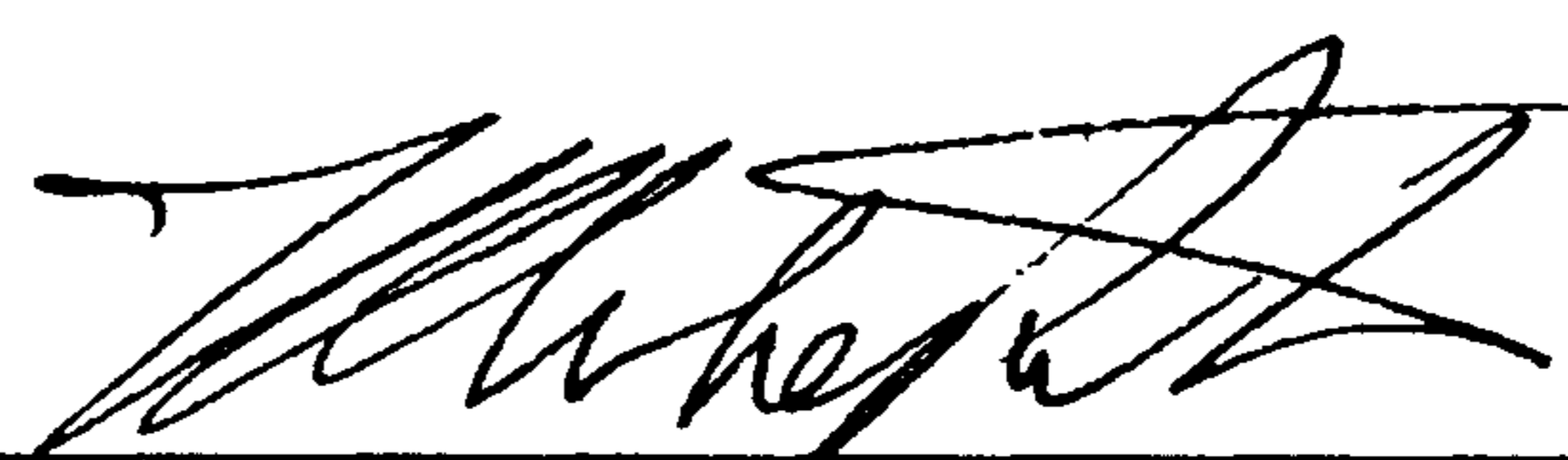
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of Alabama, and surrender on January 29, 1991, to serve his sentence. Therefore, all essential conditions of the bond have now been met, and it is due to be canceled and the sureties exonerated from their duties under it. The motion to exonerate the bond is due to be and hereby is GRANTED.

It is, therefore, ORDERED, pursuant to the authority granted to the undersigned magistrate judge at 28 U.S.C. § 636(b) and Northern District of Alabama LR 72.3(b), that the appearance bond executed by the defendant and his sureties on November 21, 1990, hereby is CANCELED, and that C.P. Walker and Ann L. Walker, as sureties on the bond, are EXONERATED thereon. It is FURTHER ORDERED that the mortgage given by C.P. Walker and Ann L. Walker, as described hereinabove, is fully RELEASED, FORGIVEN, and CANCELED, and the said C.P. Walker and Ann L. Walker are authorized to file and record a certified copy of this Order in all necessary land and real estate records as appropriate proof of the release, forgiveness, and cancellation of the mortgage described hereinabove. The United States of America hereby RELEASES, REMISES, and QUITCLAIMS all interest in the above described real property arising solely from the mortgage described hereinabove.

The Clerk is DIRECTED to prepare a certified copy of this Order and Release for the use of the sureties in recording the same in appropriate land and real estate records.

DONE and ORDERED this the 31<sup>st</sup> day of July, 2006, at Birmingham, Alabama..

  
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T. MICHAEL PUTNAM  
U.S. MAGISTRATE JUDGE

TRUE COPY:  
By: 