

HBT

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

HOUSEHOLD FINANCE
CORPORATION OF ALABAMA,

Plaintiff,

vs.

JAMES PARKER, et al.,

Defendants.

Civil File Number: ✓
2008-CV-900786

RECEIVED AND FILED
MARY HARRIS

FEB 02 2009

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO

FINAL CONSENT ORDER

By consent of the parties, the Court finds as follows:

IT APPEARING TO THE COURT that on or about November 23, 1973, Colona Darion Scott and Gladys Scott executed and delivered a warranty deed (the "Scott-Parker Deed") conveying to James and Ophelia Parker certain real property described as follows:

Lots 12 and 13 of Block "F" of the subdivision of Liberty Heights, Helena, Alabama, as recorded in the Map Book 3, Page 26, as shown by map recorded in Map Book 3 page 26 in Probate Office of Shelby County, Alabama.

IT APPEARING TO THE COURT that on or about July 30, 1980, Defendants James and Ophelia Parker executed and delivered a warranty deed (the "Parker-Smith Deed") conveying to Roland H. Smith, Sr., the Property and describing it thusly:

Lot 13, Block F of Liberty Heights, Helena, Alabama, as Recorded in the Map Book 3, Page 26, in the Office of the Judge of Probate of Shelby County, Alabama.

IT APPEARING TO THE COURT that on or about February 27, 2004, the Estate of Roland H. Smith, Sr., executed and conveyed a quitclaim deed (the "Quitclaim Deed") conveying to Ronald H. Smith, Jr., the Property.

IT APPEARING TO THE COURT that on or about March 31, 2006, Defendants Linda F. Smith and Roland H. Smith executed and delivered a Mortgage to Household Finance Corporation of Alabama ("Household Finance"), conveying a first priority security interest in the Property located at 1620

Cunningham Drive, Helena, Alabama as described in the mortgage, below:

Lot 13, Block F of Liberty Heights, Helena, Alabama, as recorded in the Map Book 3, Page 26, in the Office of the Judge of Probate of Shelby County, Alabama. Subject property is located in Shelby County.

Tax Map or Parcel ID No.: 13-5-15-1-002-024-002

IT APPEARING TO THE COURT that a genuine dispute arose between the parties concerning the legal description of the property conveyed to the Roland Smith, Sr., by the James Parker and Ophelia Parker, specifically whether the property located at 1620 Cunningham Drive, Helena, Alabama is, in fact, that property described as Lot 13, Block F of Liberty Heights, Helena, Alabama, as recorded in the Map Book 3, Page 26, in the Office of the Judge of Probate of Shelby County, Alabama or whether it is properly described as Lot 12, Block F of Liberty Heights, Helena, Alabama, as recorded in the Map Book 3, Page 26, in the Office of the Judge of Probate of Shelby County, Alabama.

IT FURTHER APPEARING TO THE COURT that the parties consent to entry of this Final Order to resolve the title matters set forth above and within the Complaint regarding the Property and it is therefore

ORDERED, ADJUDGED AND DECREED:

(A) that on or about July 30, 1980, Defendants James and Ophelia Parker executed and delivered the "Parker-Smith Deed" conveying to Roland H. Smith, Sr., the property located at 1620 Cunningham Drive, Helena, Alabama and that said property located at 1620 Cunningham Drive, Helena, Alabama is properly described as:

Lot 13, Block F of Liberty Heights, Helena, Alabama, as Recorded in the Map Book 3, Page 26, in the Office of the Judge of Probate of Shelby County, Alabama.

(B) that Plaintiff Household Finance holds all right and title to the property conveyed by the Parker-Smith Deed;


(C) that Defendants James and Ophelia Parker retained and continue to hold all right and title to the property described as follows:

Lot 12, Block F of Liberty Heights, Helena, Alabama, as Recorded in the
Map Book 3, Page 26, in the Office of the Judge of Probate of Shelby
County, Alabama.

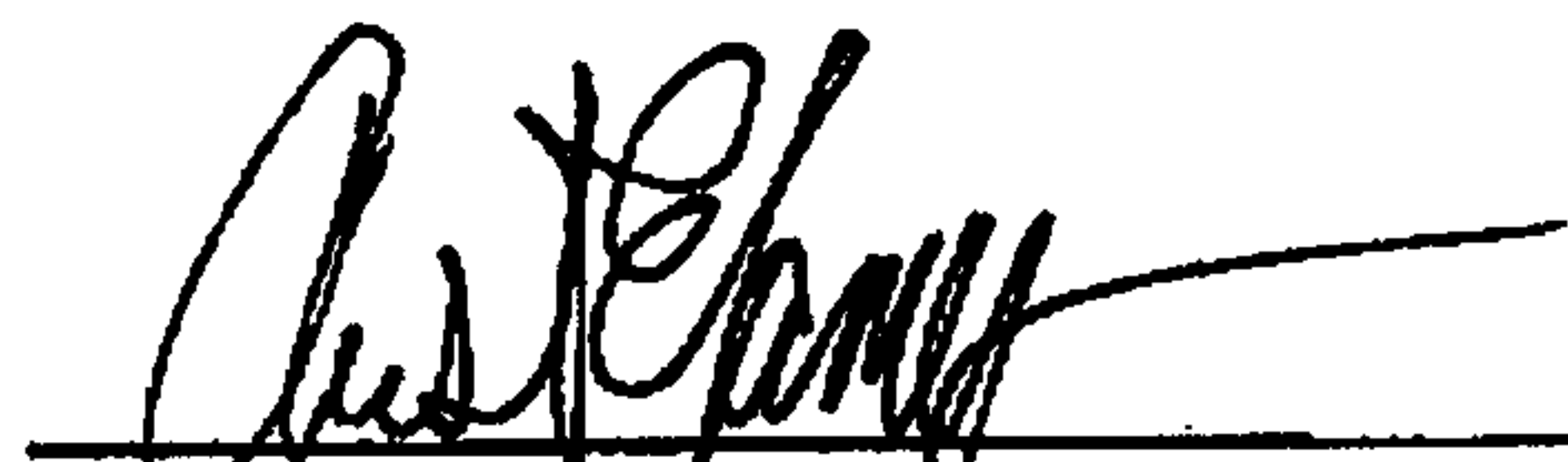
(D) Plaintiff Household Finance is entitled to record a copy of this Consent Order in the records
of the Judge of Probate of Shelby County, Alabama.

This Order is a Final Order as to this action, costs taxed, as paid.

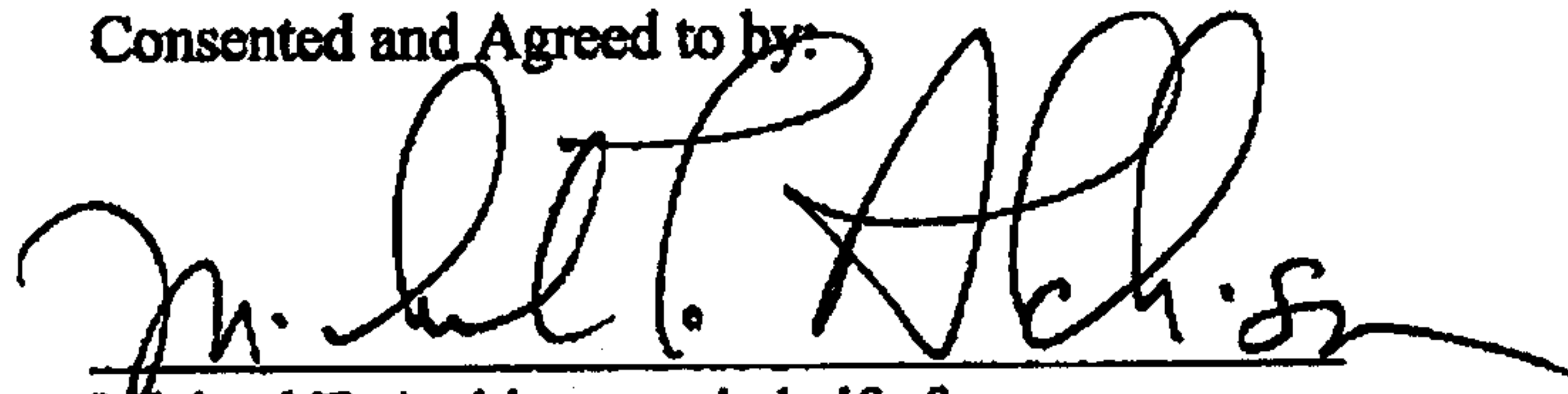
SO ORDERED this 29th day of January, 2009

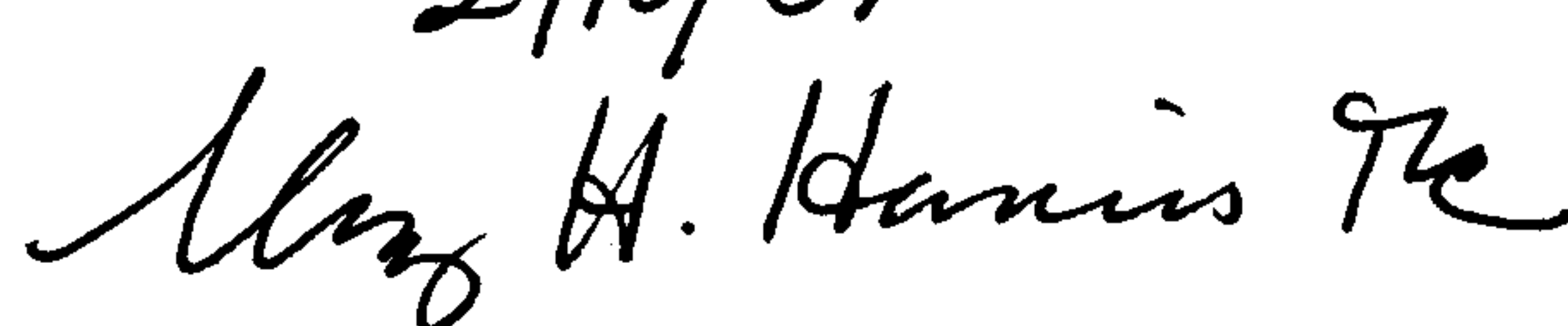

JUDGE, CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

Prepared, Consented and Agreed to by:



Austin E. James
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Consented and Agreed to by:


Michael T. Atchison, on behalf of
Defendants Ophelia and James Parker
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(205)669-9268

2/10/09


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Shelby Cnty Judge of Probate, AL
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