



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CITIFINANCIAL, INC.,

Plaintiffs,

v.

L. Z. SMITH,
RHONDA SUNDAY, and
M&F BANK, f/k/a
FIRST NATIONAL BANK OF
SHELBY COUNTY,

Defendants.

CV-2009-900109.00

20090518000186230 1/2 \$14.00
Shelby Cnty Judge of Probate, AL
05/18/2009 02:10:36 PM FILED/CERT

ORDER

This matter came before the Court on an "Amended Application for Default, Amended Motion for Default Judgment, and Motion for Judgment on the Pleadings" filed by CitiFinancial, Inc. ("CitiFinancial"). After due consideration of the materials submitted and the pleadings in this matter, it is hereby determined that Rhonda Sunday was properly served and has not filed an answer or otherwise appeared before this Court within the allotted time to answer the allegations in the Complaint. Therefore, a default is hereby entered against Rhonda Sunday. It is also hereby determined that CitiFinancial is entitled to a judgment by default against Rhonda Sunday and a judgment on the pleadings against M&F Bank f/k/a First National Bank of Shelby County ("M&F Bank"), the only other remaining Defendant in this case.¹ Therefore, it is **ORDERED, ADJUDGED AND DECREED** as follows:

1. Title to the following real property (the "Property") is vested in Rhonda Sunday:

¹ L.Z. Smith was originally an additional Defendant in this case. However, she was dismissed from this case pursuant to a previous Order from this Court because she passed away and her interest in the property at issue in this case automatically passed as a matter of law to Defendant Rhonda Sunday.

A certain lot of land in the SW corner of NE 1/4 of NW 1/4 of Section 15, Township 20, Range 3 West; commence at an iron stake at the SW corner of said 40 acres and run East (along the South forty line of said forty) 4 chains (or 264 feet) to West edge of Helena and Acton Road, thence north to an iron stake (at SE corner of A.M.E. Church lot) 99 links (or 65 4/10 feet); thence West along the South side of said A.M.E. Church lot (and on to the West forty line) 3 chains and 87 links (or 255.42 feet); thence South (along said West forty line) 99 links (or 65 4/10 feet) to point of beginning. All Mineral reserved.

2. The Property and Rhonda Sunday's interest therein is subject to the mortgage (the "Mortgage") executed by Rhonda Sunday and L.Z. Smith on or about April 29, 2004 and recorded as Instrument No. 20040430000226500 in Office of the Judge of Probate of Shelby County.

3. The Property was not the marital homestead of L.Z. Smith or Rhonda Sunday at the time of the Mortgage.

4. CitiFinancial maintains the senior secured interest in, and the Mortgage is the senior lien against, said Property.

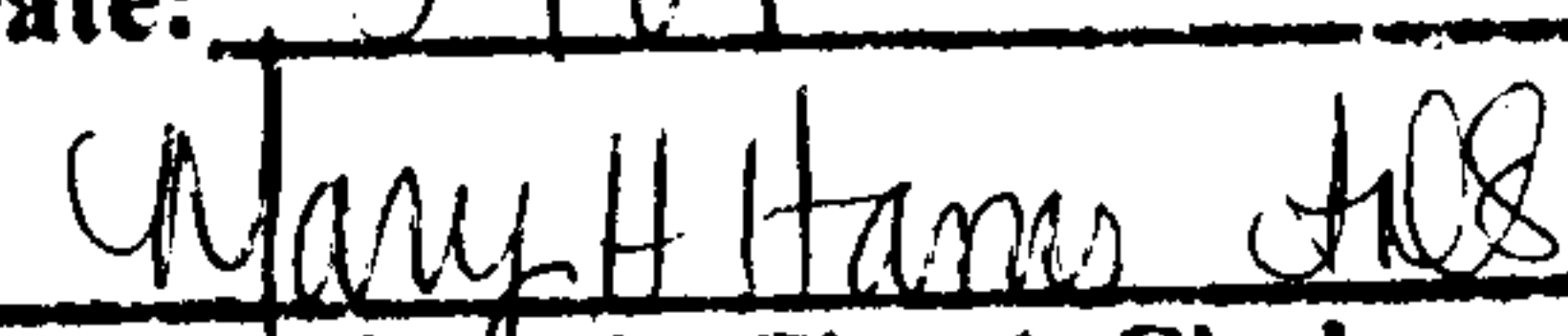
5. The Mortgage and underlying debt at issue in this case are in default and those breaches and defaults have damaged CitiFinancial.

6. CitiFinancial is entitled to foreclose all of the Defendants' right, title, and interest in the Property.

7. CitiFinancial is hereby authorized to proceed with a non-judicial foreclosure sale of the Property in accordance with Ala. Code 1975, § 35-10-11, *et seq*.

Cost taxed against Defendant Rhonda Sunday
Done this 21st day of April, 2009.


Circuit Court Judge

Certified a true and correct copy
Date: 5-4-09

Mary H. Harris, Circuit Clerk
Shelby County, Alabama