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MARY H. HARRIS

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

2009 3 1 2009

BANCORP SOUTH,

Plaintiff,

v.

ELEANOR P. POSEY, and DEPARTMENT OF  
TREASURY - INTERNAL REVENUE  
SERVICE,

Defendants.

CIRCUIT & DISTRICT  
COURT CLERK  
SHELBY CO

CIVIL ACTION NO. CV-08-900498.00

ORDER

THIS CAUSE coming to be heard on Plaintiff, BancorpSouth Bank, Inc. ("Plaintiff"), Defendant Eleanor P. Posey ("Posey") and Defendant Department of Treasury - Internal Revenue Service ("IRS") stipulation to the entry of this Order, and for good cause being shown, it is therefore ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the Mortgage Satisfaction recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument No. 1998-24116 (the "Mortgage Satisfaction") regarding that certain Mortgage executed by James E. Posey and Eleanor Posey, husband and wife, is VOID and of no legal effect.

2. That the Mortgage executed by James E. Posey and Eleanor P. Posey, husband and wife, in favor of Highland Bank (being now known as BancorpSouth Bank, Inc.), and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument No. 1997-23655 (the "Mortgage") is REINSTATED and remains a valid and enforceable lien against that certain property legally described as follows:

All that part of the SE ¼ of Section 9, Township 19, Range 2 East, that lies South of Spring Creek and East of Baker's Spring Branch. Also, a parcel of land

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Shelby Cnty Judge of Probate, AL  
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located in the Northeast corner of the NE ¼ of the NE ¼ of Section 16, Township 19, Range 2 East described as follows: Beginning at the Northeast corner of said Section 16 and run thence South 87 deg 30 min. West for a distance of 261.4 feet; run thence south 2 deg. 30 min. East to the North side of the Vincent Public Road; run thence in an Easterly direction along the North right of way line of the Vincent Public Road to the point of intersection with the East line of said Section 16; run thence North along the East line of said Section 16 to the point of beginning; all in said section 16.

ALSO a track of land in the Northwest corner of Section 15, Township 19, Range 2 East, beginning at the Northwest corner of said Section 15 and run thence South to the North right of way line of the Vincent Public Road; run thence in an Easterly direction along the North right of way line of said Vincent Public Road a distance of 75 feet; run thence North and parallel with the West line of said Section 15 to the North line of said Section 15; run thence West along said North line for a distance of 75 feet to the point of beginning. All being situated in Shelby County, Alabama.

(the "Property"). The Property has a street address of 31 Forensic Circle, Vincent, AL 35178 (but, in case of a discrepancy between the street address and the legal description, the legal description shall control).

3. That due to the erroneous recording of the Mortgage Satisfaction, the Notice of Federal Tax Lien in favor of the IRS and against James and Eleanor Posey, recorded in the Office of the Judge of Probate of Shelby County as Instrument No. 20031222000820760 on December 22, 2003, is deemed to have priority over the Mortgage on the Property.

4. *Costs of court are taxed as paid*

Done this 7<sup>th</sup> day of August, 2009.

By: *[Signature]*

Circuit Court Judge

Certified a true and correct copy

Date: 10.15.09

*[Signature]*  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama