

**Instrument to Correct Title and
Set Aside Fraudulent Transfer**

*****Please Index as a Deed*****

Under the Names Robert A. Hulsey and Sheridan W. Hulsey

This Instrument Prepared By:

Paul H. Greenwood, Esq.
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, Alabama 35201
(205) 251-8100

STATE OF ALABAMA)

COUNTY OF SHELBY)

AFFIDAVIT

Before me, Melissa Paddock, a Notary Public in and for said county in said state, personally appeared **Paul H. Greenwood**, whose name is signed to this Affidavit and who is known to me, and who being by me first duly sworn, deposes and says as follows:

1. My name is Paul H. Greenwood, I am over the age of nineteen years, am of sound mind and body, and reside in Jefferson County, Alabama. I am an attorney for Compass Bank, an Alabama banking corporation, doing business as BBVA Compass "Compass Bank").

2. As evidenced by the document attached hereto as **Exhibit "A"** and incorporated herein by reference, Robert A. Hulsey and Sheridan W. Hulsey (together, the "Hulseys") executed a general warranty deed dated January 24, 2008, recorded in Instrument Number 20080129000036650 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Court"), whereby fee simple title of real property owned jointly by the Hulseys and located in Shelby County, Alabama (the "Shelby County Property"), was transferred to Sheridan W. Hulsey (the "Shelby County Transfer").

3. On January 12, 2010, a final order was entered in the Circuit Court of Baldwin County, Alabama, Case No. CV 2008-901088 (the "Final Order") holding, among other things, that pursuant to **ALA. CODE § 8-9A-7(a)**, the Shelby County Transfer is **AVOIDED** as **FRAUDULENT** to the extent necessary to satisfy the judgment in favor of Compass Bank and against Robert A. Hulsey in the amount of \$274,419.11, as evidenced and secured by that certain Certificate of Judgment recorded in Instrument Number 20081001000388260 in the Probate Court (the "Deficiency Judgment"). True and correct copies of the Final Order, the certificate of judgment and the Deficiency Judgment are attached hereto collectively as **Exhibit "B"** and incorporated herein by reference.



20100312000073370 2/10 \$38.00
 Shelby Cnty Judge of Probate, AL
 03/12/2010 12:02:13 PM FILED/CERT

4. It is intended that this Affidavit and the exhibits attached hereto will be recorded in the Probate Court to correct title to the Shelby County Property and evidence that the Shelby County Transfer is avoided as fraudulent, as ordered in the Final Order.

5. The Final Order vests title to the Shelby County Property in Robert A. Hulsey and Sheridan W. Hulsey.

Further affiant sayeth not.

Paul H. Greenwood

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, Melissa Paddock, hereby certify that **Paul H. Greenwood** whose name is signed to the foregoing affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand this 11th day of March, 2010.

Melissa Paddock
 Notary Public

[SEAL]

My commission expires: 3/10/13



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Shelby Cnty Judge of Probate, AL
03/12/2010 12:02:13 PM FILED/CERT

Exhibit “A”

20080125000036650 1/1 \$61.00
Shelby Cnty Judge of Probate, AL
01/25/2008 11:38:57AM FILED/CERT

20100312000073370 4/10 \$38.00
Shelby Cnty Judge of Probate, AL
03/12/2010 12:02:13 PM FILED/CERT

This instrument was prepared by:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 160
Birmingham, AL 35223

Send Tax Notice To:
Sheridan W. Hulsey
1001 Wilmington Cove
Birmingham, AL 35242

STATE OF ALABAMA)
COUNTY OF SHELBY)

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of Fifty Thousand and 00/100 Dollars (\$50,000.00), and other good and valuable consideration, this day in hand paid to the undersigned Robert A. Hulsey and wife, Sheridan W. Hulsey, (hereinafter referred to as GRANTORS), in hand paid by the GRANTEE herein, the receipt whereof is hereby acknowledged, the GRANTORS do hereby give, grant, bargain, sell and convey unto the GRANTEE, Sheridan W. Hulsey, (hereinafter referred to as GRANTEE), its successors and assigns, the following described Real Estate, lying and being in the County of Shelby, State of Alabama, to-wit:

Lot 4, according to the Survey of Wilmington Place, as recorded in Map Book 30, Page 23 A & B, in the Probate Office of Shelby County, Alabama.

Subject To:

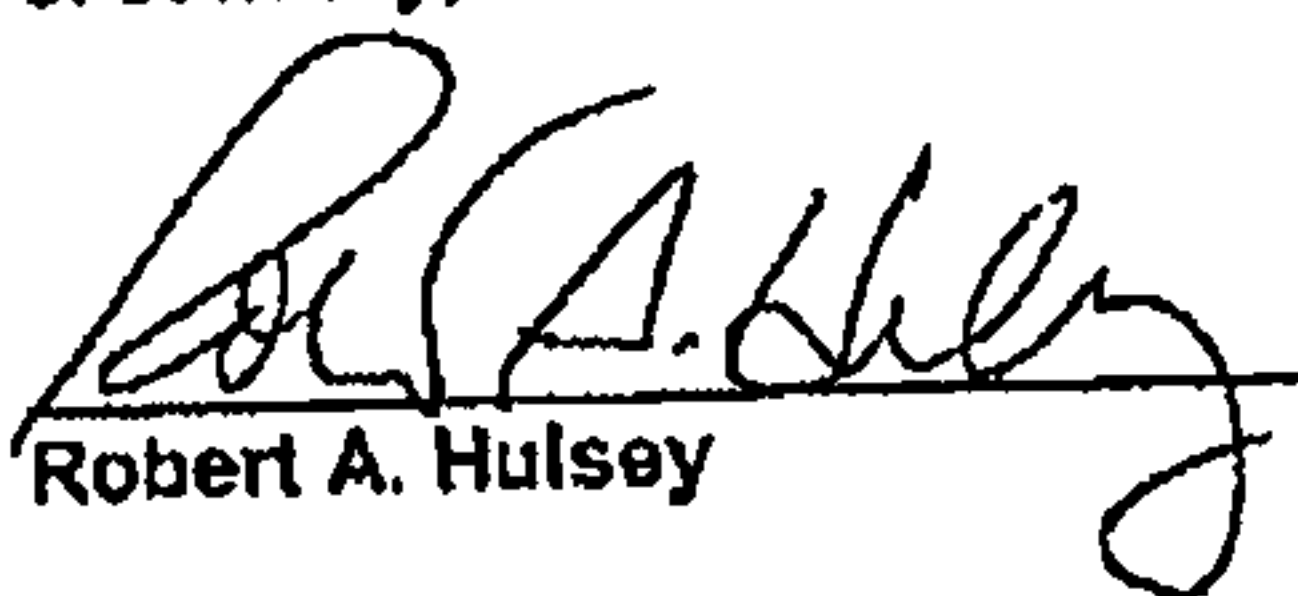
Ad valorem taxes for 2008 and subsequent years not yet due and payable until October 1, 2008. Existing covenants and restrictions, easements, building lines, limitations and mortgages of record.

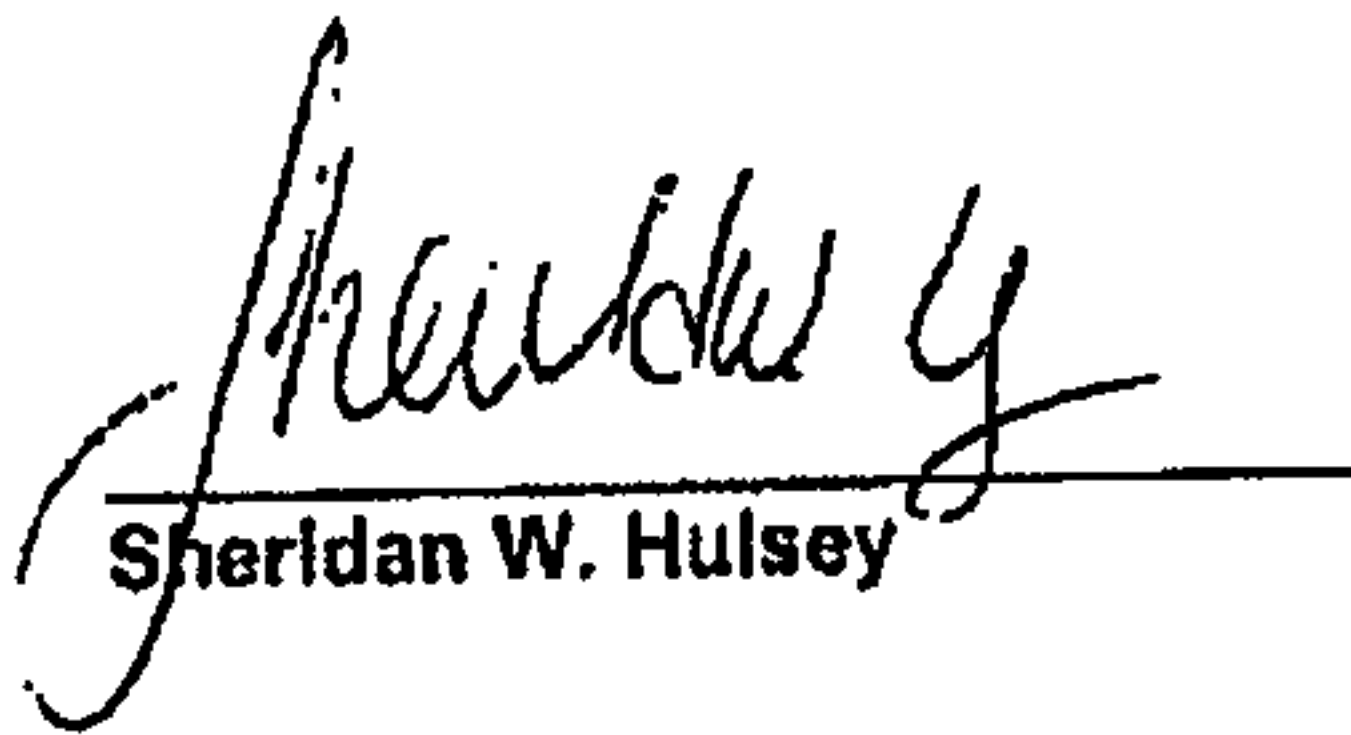
Preparer of this instrument makes no representation as to the status of title of property being conveyed herein.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEE, its successors and assigns forever.

AND SAID GRANTORS, for said GRANTORS, GRANTORS' heirs, successors, executors and administrators, covenants with GRANTEE, and with GRANTEE'S successors and assigns, that GRANTORS are lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that GRANTORS will, and GRANTORS' heirs, executors and administrators shall, warrant and defend the same to said GRANTEE, and GRANTEE'S successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said GRANTORS have hereunto set their hands and seals this the 24th day of January, 2008.


Robert A. Hulsey


Sheridan W. Hulsey

Shelby County, AL 01/25/2008
State of Alabama
Deed Tax: \$50.00

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Robert A. Hulsey and wife, Sheridan W. Hulsey, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 24th day of January, 2008.


NOTARY PUBLIC
My Commission Expires: 6-5-2011

CLAYTON T. SWEENEY, ATTORNEY AT LAW



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Shelby Cnty Judge of Probate, AL
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Exhibit “B”

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

COMPASS BANK, an Alabama banking
corporation,

Plaintiff,

v.

ROBERT A. HULSEY, an individual, and
SHERIDAN W. HULSEY, an individual,

Defendants.

Case No. CV 2008-901088

FINAL ORDER

This Court, having before it the Motion for Summary Judgment and documents in support thereof (the "Motion") filed by Plaintiff Compass Bank, and no opposition having been filed by Defendant Robert A. Hulsey ("Robert Hulsey"), and/or Defendant Sheridan W. Hulsey ("Sheridan Hulsey"), it is hereby:

ORDERED, ADJUDGED and DECREED, for the reasons set forth in the Motion, that the Motion is **GRANTED** and:

1. The Ono Island Transfer, as that term is defined in the Motion and as evidenced by that certain General Warranty Deed dated January 24, 2008, recorded in Instrument Number 1098355 in the Office of the Judge of Probate of Baldwin County, Alabama, and that certain Quit Claim Deed dated January 25, 2008, recorded in Instrument Number 1099451 in the Office of the Judge of Probate of Baldwin County, Alabama (collectively, the "Ono Island Deeds") is hereby **AVOIDED as FRAUDULENT** pursuant to ALA. CODE § 8-9A-7(a) to the extent necessary to satisfy the judgment in favor of Compass Bank and against Robert Hulsey in the amount of \$274,419.11 (the "Deficiency Judgment"), as evidenced and secured by that certain Certificate of Judgment recorded in Instrument Number 1142574 in the Office of the Judge of Probate of Baldwin County, Alabama and that certain Certificate of Judgment recorded

in Instrument Number 20081001000388260 in the Office of the Judge of Probate of Shelby County, Alabama (collectively, the "Deficiency Judgment Lien");

2. The Shelby County Transfer, as that term is defined in the Motion and as evidenced by that certain General Warranty Deed dated January 24, 2008, recorded in Instrument Number 20080129000036650 in the Office of the Judge of Probate of Shelby County, Alabama (the "Shelby County Deed") is hereby **AVOIDED** as **FRAUDULENT** pursuant to ALA. CODE § 8-9A-7(a) to the extent necessary to satisfy the Deficiency Judgment, as evidenced and secured by the Deficiency Judgment Lien;

3. Upon the expiration of thirty (30) days from the date of this Order, the Court Clerk shall issue a **WRIT OF EXECUTION** to the Sheriff of Baldwin County for the seizure and sale of the Ono Island Property, as defined in the Motion and as more particularly described in the Ono Island Deeds, pursuant to ALA. CODE § 8-9A-7(b), subject to and without disturbing the Ono Island Mortgage, as defined in the Motion and recorded in Instrument Number 1044601 in the Office of the Judge of Probate of Baldwin County, Alabama;

4. Upon the expiration of thirty (30) days from the date of this Order, the Court Clerk shall issue a **WRIT OF EXECUTION** to the Sheriff of Shelby County for the seizure and sale of the Shelby County Property, as defined in the Motion and as more particularly described in the Shelby County Deed, pursuant to ALA. CODE § 8-9A-7(b), subject to and without disturbing the Shelby County Mortgages, as defined in the Motion and recorded in Instrument Numbers 20080618000291510, 20071102000506810 and 20080201000041490 in the Office of the Judge of Probate of Shelby County, Alabama;

5. Sheridan Hulsey, as grantee of the Ono Island Transfer, as defined in the Motion and avoided herein as fraudulent under Alabama law, (i) is trustee for the benefit of Compass



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Shelby Cnty Judge of Probate, AL
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Bank of the Ono Island Property, as defined in the Motion and as more particularly described in the Ono Island Deeds, (ii) must hold the Ono Island Property in trust, (iii) must preserve the Ono Island Property intact, and (iv) must account for any proceeds received since the date of the Ono Island Transfer; and

6. Sheridan Hulsey, as grantee of the Shelby County Transfer, as defined in the Motion and avoided herein as fraudulent under Alabama law, (i) is trustee for the benefit of Compass Bank of the Shelby County Property, as defined in the Motion and as more particularly described in the Shelby County Deed, (ii) must hold the Shelby County Property in trust, (iii) must preserve the Shelby County Property intact, and (iv) must account for any proceeds received since the date of the Shelby County Transfer.

DONE this 12th day of January 2010


CIRCUIT COURT JUDGE

CIRCUIT COURT
BALDWIN COUNTY, AL
FILED

JAN 12 2010

JODY W. CAMPBELL
CIRCUIT CLERK

ALABAMA JUDICIAL DATA CENTER
BALDWIN COUNTY
CERTIFICATE OF JUDGMENT

CV 2008 901088.00

ROBERT WILTERS

IN THE CIRCUIT COURT OF BALDWIN COUNTY

COMPASS BANK V. ROBERT A. HULSEY ET AL

DEFENDANT

HULSEY ROBERT A.
1008 WILMINGTON COVE

BIRMINGHAM ,AL 35242-0000

PARTY'S ATTORNEY:

*** PRO SE ***

I, JODY WISE CAMPBELL (CV, CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 01/12/2010 PLAINTIFF, COMPASS BANK RECOVERED
OF DEFENDANT IN SAID COURT A JUDGMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE
SUM OF \$.00 DOLLARS PLUS \$.00 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:
VOGTLE JESSE S JR

GIVEN UNDER MY HAND THIS DATE 01/22/2010

Jody Wise Campbell (ORC)
CLERK: JODY WISE CAMPBELL
312 COURTHOUSE SQUARE
BAY MINETTE AL 36507
(251) 937-0374

OPERATOR: ORC
PREPARED: 01/22/2010

PLAINTIFF'S ATTORNEY:

GREENWOOD PAUL HILLIARD
1901 6TH AVE NORTH
SUITE 2600
BIRMINGHAM AL 3520320100312000073370 9/10 \$38.00
Shelby Cnty Judge of Probate, AL
03/12/2010 12:02:13 PM FILED/CERT

20081001000388260 1/1 \$11.00
Shelby Cnty Judge of Probate, AL
10/01/2008 02:28:43PM FILED/CERT

AVSO312

ALABAMA JUDICIAL DATA CENTER
SHELBY COUNTY
CERTIFICATE OF JUDGMENT

CV 2008 000264.00

HEWITT L CONWILL

IN THE CIRCUIT COURT OF SHELBY COUNTY
COMPASS BANK VS B.HULSEY COMPANY LLC ET AL

DEFENDANT

PARTY'S ATTORNEY:

HULSEY ROBERT A
1008 WILMINGTON COVE
BIRMINGHAM ,AL 35242-0000

I, MARY H. HARRIS , CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 09/23/2008 PLAINTIFF, COMPASS BANK, AN ALABA RECOVERED
OF DEFENDANT IN SAID COURT A JUDGMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE
SUM OF \$274,419.11 DOLLARS PLUS \$362.00 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:
DREDDEN COURTNEY RENEE

GIVEN UNDER MY HAND THIS DATE 10/01/2008

Mary H Harris
CLERK: MARY H. HARRIS
P.O. BOX 1810
COLUMBIANA AL 35051
(205) 669-3760

WEBSITE: [HTTP://18JC.ALACOURT.GOV](http://18JC.ALACOURT.GOV)

OPERATOR: ALS
PREPARED: 10/01/2008

PLAINTIFF'S ATTORNEY:

DREDDEN COURTNEY RENEE
BALCH & BINGHAM
1901 6TH AVE. N. STE 1500
BIRMINGHAM AL 35203

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Shelby Cnty Judge of Probate, AL
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