

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

REGIONS BANK

PLAINTIFF,

VS.

EDDIE R. GRIFFIN AND  
CITIBANK SOUTH DAKOTA, NA

DEFENDANTS.

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Shelby Cnty Judge of Probate, AL  
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CIVIL ACTION NO.  
CV 2011-900569.00

**AMENDED FINAL JUDGMENT**

This cause came before the Court on Plaintiff's Motion for Default Judgment on its complaint which included a Count I for reformation of the legal description of the property and a Count II for an order declaring that the mortgage with the judicially reformed legal description could be non-judicially foreclosed in accordance with Alabama law. After due consideration of the evidence presented at this hearing, the Court finds Plaintiff's motion is well taken and due to be granted.

Accordingly, the Court hereby ORDERS, ADJUDGES and DECREES as follows:

1. Plaintiff's Motion for Default Judgment is hereby granted.
2. On October 16, 2007 Defendant Eddie R. Griffin executed a mortgage and note to Plaintiff Regions Bank on property located at 4128 Kestaven Drive, Birmingham, Alabama 35242 with said mortgage being recorded in Instrument Number 20071102000507050 on November 2, 2007. This mortgage correctly listed the address, but an incorrect legal was attached. Regions Bank discovered this error in

2009 and recorded a partial release of the incorrect legal in Instrument Number 2009081200309910 on August 12, 2009, and subsequently re-recorded the October 16, 2007 mortgage, pursuant to a Limited Power of Attorney given by Griffin, to show the correct legal on February 12, 2010 under Instrument Number 20100212000043520. This re-recorded mortgage shows the correct legal for 4128 Kestaven Drive, Birmingham, Alabama 35242 of:

Lot 215, according to the Survey of Brook Highland, as Eddleman Community, 6<sup>th</sup> Sector, 4<sup>th</sup> Phase as recorded in Map Book 15, Page 106, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

3. The Court hereby finds that the Regions Bank mortgage dated October 16, 2007 which was originally recorded in Instrument Number 20071102000507050 and re-recorded in Instrument Number 20100212000043520, is a valid mortgage on the following described property:

Lot 215, according to the Survey of Brook Highland, as Eddleman Community, 6<sup>th</sup> Sector, 4<sup>th</sup> Phase as recorded in Map Book 15, Page 106, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

and is entitled to priority as of the date of re-recording on February 12, 2010.

4. The Court further finds that Regions Bank is entitled to foreclose the aforesaid re-recorded mortgage, with the correct legal description as aforesaid, non-judicially pursuant to Alabama law.

5. The Court further finds that Regions Bank's mortgage is senior to the judgment of CitiBank of South Dakota, N. A. as said judgment was recorded after the re-recorded Regions Bank mortgage.

6. The Court further finds that Eddie R. Griffin is in default on his aforesaid



conducted by counsel for Regions Bank in accordance with Alabama law on non-judicial foreclosures.

7. Costs are taxed as paid.

DONE and ORDERED this 12<sup>th</sup> day of March, 2012.

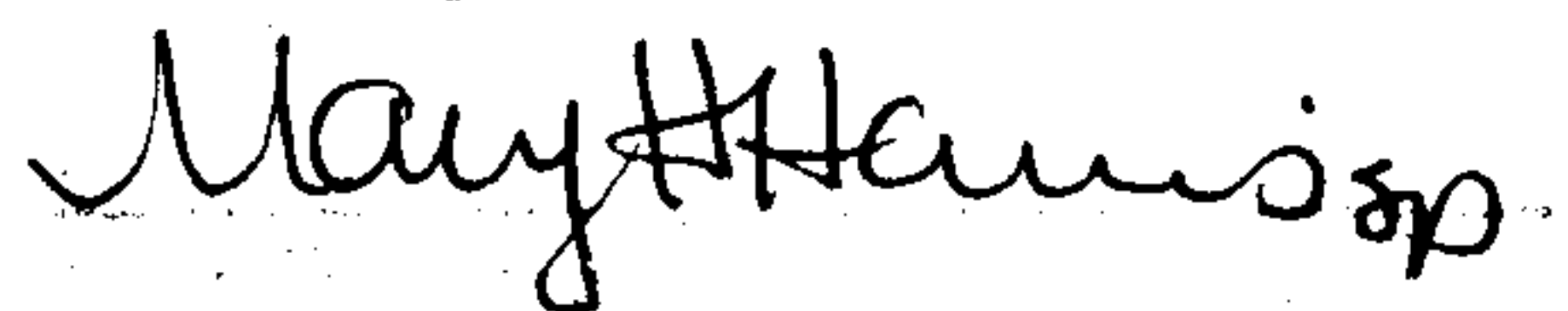
  
Hub B. Harrington  
Circuit Judge



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Certified a true and correct copy

date 3/14/12

  
Mary Harris