



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**FEDERAL NATIONAL MORTGAGE
ASSOCIATION,
Plaintiff,**

V.

DAVIS SHAYANA,
DAVIS NORMAN,
Defendants.

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) Case No.: CV-2011-900607.00



AGREED ORDER

The matter before the court is an ejectment case filed by the plaintiff, FEDERAL NATIONAL MORTGAGE ASSOCIATION, INC., against the defendants, SHAYANA DAVIS and NORMAN DAVIS. The parties, by and through their counsel of record, have advised the court that they have reached an agreement as set forth herein.

The parties have made it known to the court that they have entered into an agreement by which the foreclosure deed recorded as Instrument No. 20110608000169330 in the Probate Records of Shelby County, Alabama, is due to be rescinded. In addition all claims made by either party are due to be dismissed, with prejudice, each party to bear their own costs.

The parties seek an order from this court reviving the mortgage executed by SHAYANA DAVIS and NORMAN DAVIS in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for Mortgage America, Inc., recorded as Instrument No. 20080205000047720 and re-recorded as Instrument No. 20080320000114180 in the Probate Offices of Shelby County, Alabama, and subsequently assigned to Federal National Mortgage Association, recorded as Instrument No. 201106080001169320 in the Probate Offices of Shelby County, Alabama and placing the parties in the position they were in immediately before the foreclosure. The parties request that the mortgage be entitled to the same full force and effect and be entitled to the same priority and dignity that existed immediately prior to the foreclosure action.

Based upon there presentations of the parties through counsel, the agreement as presented by counsel for the parties and the foregoing recitals, the Court is of the opinion that the claims of both parties are hereby denied and dismissed; and

The parties' request that the foreclosure be declared null and void and that the parties be placed in the position they were in prior to foreclosure are due to be and are hereby GRANTED; and

The parties' request that the mortgage be revived with the same full force and effect and be entitled to the same priority and dignity that existed immediately prior to the foreclosure action is due to be and is hereby GRANTED.

Based on the above, it is **ORDERED, ADJUDGED AND DECREED** that:

1. The plaintiff's claim for ejectment is dismissed with prejudice.
2. The foreclosure deed recorded as Instrument No. 20110608000169330 in the Probate Records of Shelby County, Alabama is hereby declared null and void;
3. The Note and Mortgage executed by SHAYANA DAVIS and NORMAN DAVIS in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for Mortgage America, Inc., with the mortgage being recorded as Instrument No. 20080205000047720 and re-recorded as Instrument No. 20080320000114180 in the Probate Offices of Shelby County, Alabama, by and between the parties herein is hereby revived and the mortgage indebtedness is reinstated;
4. The assignment from CitiMortgage, Inc., to Federal National Mortgage Association, recorded as Instrument No. 201106080001169320 in the Probate Offices of Shelby, County, Alabama, is hereby declared null and void;
5. The Note and Mortgage executed by SHAYANADAVIS and NORMAN DAVIS in favor Mortgage Electronic Registration Systems, Inc., solely as nominee for Mortgage America, Inc., in the amount of \$417,000.00, which is recorded as Instrument No. 20080205000047720 and re-recorded as Instrument No. 20080320000114180 in the Probate Offices of Shelby County, Alabama, is hereby given the same full force and effect and is entitled to the same priority and dignity that existed immediately prior to the foreclosure action.
6. Costs are taxed as paid.

DONE this 29th day of August, 2012.

/s/ HUB HARRINGTON
CIRCUIT JUDGE

Certified a true and correct copy

Date: 10/11/12

Mary H. Harris *h*
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

