

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

RAYMOND A. WEST and ELAINE M.
WEST,

Defendants,

v.

BANK OF AMERICA, N.A., et al.,

Third-Party Defendants.

Case No. CV-2011-900818



20130724000300890 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
07/24/2013 09:34:18 AM FILED/CERT

ORDER

THIS CAUSE coming to be considered on the Joint Motion for Consent Order to Set Aside Foreclosure and Reinstate Mortgage and Joint Stipulation of Dismissal with Prejudice, filed by Plaintiff Federal National Mortgage Association ("Fannie Mae"), Third Party Defendant Bank of America, N.A. ("BANA"), and Defendants/Third Party Plaintiffs Raymond A. West and Elaine M. West ("West" or "Defendants") (hereinafter collectively "the Parties"), it is therefore **ORDERED, ADJUDGED, AND DECREED** as follows:

1. That the Parties have filed a Joint Motion for Consent Order seeking to set aside a foreclosure sale and reinstate a mortgage associated with a piece of real property bearing a physical address of 109 Royal Place, Pelham, Alabama 35124, and more particularly described as:

Lot 12-A, according to the Resurvey of Lots 12 & 13, Royal Oaks, Sixth Sector, as recorded in the Map Book 21, Page 136 in the Probate Office of Shelby

County, Alabama; being situated in Shelby County, Alabama.

(the "Property"), and this Court having considered same, now determines that said Motion for Consent Order is due to be granted.

2. That the foreclosure sale of the Property held on August 16, 2011 as documented in the foreclosure deed dated August 17, 2011 and recorded on or about August 24, 2011, in Book 1995 page 10078 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), is a nullity, void and of no legal effect.


3. That said foreclosure deed is expunged from the Records of the Probate Office.

4. In setting aside the foreclosure, this Court makes no determination as to whether the foreclosure was wrongful or improper.

5. That the mortgage, given by Raymond A. West and Elaine M. West, husband and wife, to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Countrywide Home Loans, Inc., and its successors and assigns, which said mortgage was recorded in the Probate Office, in Instrument No. 20050721000364800, said mortgage having subsequently been transferred and assigned to BAC Home Loans Servicing, L.P., by instrument recorded in Instrument Number 20100809000253820, in the Probate Office, is reinstated and is a valid, first position lien on the Property, superior to any existing junior lien on the Property.

6. That all terms and provisions of BANA's mortgage are to remain in full force and effect.

7. This Court recognizes that the Parties are permitted to record a certified copy of this Order in the Probate Office and this Court directs the Probate Office to accept a certified copy of this Order for recording.


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8. As a result of the setting aside of the foreclosure, reinstatement of the mortgage, and other good and valuable consideration, the Parties stipulate that this lawsuit is due to be dismissed, with prejudice, and this Court having considered same agrees and orders that the above-captioned it be dismissed, with prejudice, each party to bear his, her, or its own costs.

Done and Ordered this 3rd day of July, 2013.


Hornier
Circuit Court Judge

cc: All Parties and Counsel of Record.

Certified a true and correct copy

Date: 07-19-13

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


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