



ELECTRONICALLY FILED  
10/2/2013 9:24 AM  
58-CV-2012-900866.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

MERCHANTS AND FARMERS BANK )  
A/K/A M & F BANK, )  
Plaintiff, )  
V. )  
HILTON-LEE ROBERT, )  
HILTON-LEE BETTY ALMA, )  
Defendants. )



20131106000437670 1/2 \$17.00  
Shelby Cnty Judge of Probate, AL  
11/06/2013 10:30:48 AM FILED/CERT

Case No.: CV-2012-900866.00

ORDER

This matter came before this Court on September 30, 2013, on Co-Defendant's, Betty Alma Hilton-Lee, Motion to Stay Writ of Execution on Real Property known as 137 Branch Avenue, Chelsea, Alabama, Motion to Set Aside Default Judgment as to Co-Defendant Betty Alma Hilton-Lee, and Motion to Consolidate Case Numbers CV12-900866 and CV12-900435. After reviewing the respective pleadings and a hearing was held on the matter with attorneys for M & F Bank and Betty Alma Hilton-Lee present; it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Co-Defendant's Motion to Stay Writ of Execution on the Real Property known as 137 Branch Avenue, Chelsea, Alabama is MOOT. The parties informed the Court at the hearing that said Writ of Execution had already been cancelled by Plaintiff before the hearing.


2. Co-Defendant Betty Hilton-Lee's Motion to Set Aside the Default Judgment is GRANTED. Co-Defendant Lee is given 14 days from the date of this order to answer the complaint. The parties have 90 days from the date of this Order to complete the discovery in the

case. After discovery has been completed, Plaintiff is ordered to request a Status Conference with the Court for further scheduling and a trial date if the matter is not resolved.

3. Co-Defendant Betty Hilton-Lee's Motion to Consolidate Case Nos.: CV12-900866 and CV12-900435 is hereby DENIED. After the denial of a post judgment motion directed at a final judgment, the trial court loses jurisdiction over the matter. See Faith Properties, LLC v. First Commercial Bank, 988 So. 2d 485, 491 (Ala. 2008).

**DONE this 2<sup>nd</sup> day of October, 2013.**

/s/ WILLIAM H. BOSTICK, III  
**CIRCUIT JUDGE**

  
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