

WELLS FARGO BANK, N.A.,
Plaintiff,

V.

) Case No.: CV-2013-901314.00

WHITE DAVID L.,
WHITE JOY E.,
RENASANT BANK,
Defendants.

This action came on the Motion of the Plaintiff for a Default Judgment on its claim for reformation of a mortgage and declaratory judgment, and the Plaintiff's Complaint having been duly served upon the Defendants, David L. White and Joy E. White, as required by law on January 16, 2014, and said Defendants, having failed to plead or otherwise defend as to the Plaintiff's claim for reformation of a mortgage and declaratory judgment, and the Defendants' default having been duly entered and the Defendants having taken no proceedings since such default was entered, it is:

ORDERED that Plaintiff's motion is due to be GRANTED. It is further,

ORDERED that based on a mutual mistake between the parties the legal description contained in the mortgage executed on April 14, 2003 by Defendants, David L. White and Joy E. White, to Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for Compass Bank, and recorded on April 25, 2003 in the Office of the Judge of Probate of Shelby County, Alabama as Instrument Number 20030425000256140 is incorrect ("Mortgage"). The Mortgage is hereby reformed to include the correct legal description:


Lot 143, according to the Survey of The Cottages of Stonehaven, Third Addition, as recorded in Map Book 26, page 15, in the Probate Office of Shelby County, Alabama.

It is further,

ORDERED that the Mortgage was properly assigned by MERS to Plaintiff, Wells Fargo Bank, N.A., on July 29, 2012 and that the Mortgage, as reformed herein, is a valid lien with priority as of the date of original execution, April 14, 2003, over the subsequent mortgage given by Defendants, David L. White and Joy E. White, to Defendant, Renasant Bank, on December 20, 2006.

Remaining claims still pending.

DONE this 23rd day of April, 2014.



CIRCUIT JUDGE