

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**JOSEPH HALECHKO and
REBECCA HALECHKO**

Plaintiffs,

v.

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

Defendants.



20140227000167030 1/3
Bk: LR201411 Pg:9145
Jefferson County, Alabama
I certify this instrument filed on:
02/27/2014 11:50:47 AM CO
Judge of Probate- Alan L. King

Case No. 2:12-02260-MHH

**CONSENT ORDER SETTING ASIDE FORECLOSURE SALE AND
RECONVEYING REAL PROPERTY TO COUNTERCLAIM PLAINTIFFS**

WHEREAS, Plaintiffs Joseph Halechko and Rebecca Halechko filed their Complaint (the "Complaint") in the above-captioned action on May 8, 2012 against Defendants Bank of America, N.A ("BANA"), The Bank of New York Mellon ("BONY") and Mortgage Electronic Registration Systems ("MERS") (collectively, the "Defendants"), and the Complaint arises out of purported issues with the servicing of Plaintiffs' mortgage loan and the foreclosure sale of certain real property located at 174 River Valley Road, Helena, AL 35080, as described in Instrument No. 20070423000185120, in the Office of the Judge of Probate of Shelby County, Alabama (hereinafter, the "Property"); and

WHEREAS, the Property was subject to a first-priority mortgage (the



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Shelby Cnty Judge of Probate, AL
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"Mortgage") and Note ("Note") executed by Plaintiffs in favor of Countrywide Home Loans, Inc. on or about March 27, 2007. The Mortgage was duly recorded in the Office of Judge of Probate of Shelby County, Alabama, in Instrument No. 20070423000185120; and

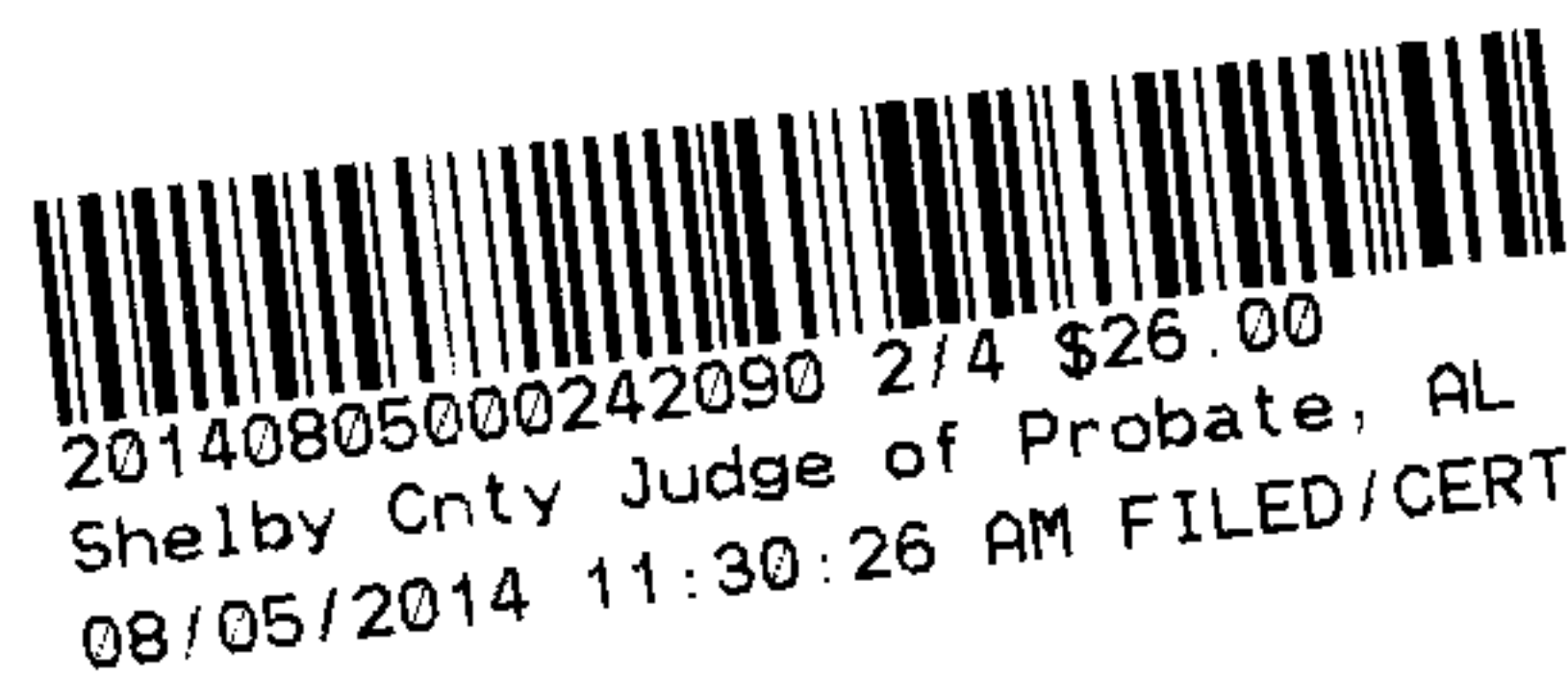
WHEREAS, the Mortgage was assigned to BANA on July 20, 2011. The assignment was duly recorded in the Office of the Probate of Shelby County, Alabama, in Instrument No. 20110727000217940; and

WHEREAS, pursuant to the power of sale, the Property was sold at foreclosure on or about May 1, 2012, and a deed to The Bank of New York Mellon was executed, which deed was duly recorded in the Office of Judge of Probate of Shelby County, Alabama in Instrument No. 20120510000164480; and

WHEREAS, Defendants deny any fault, wrongdoing, or liability for all counts and claims alleged by Plaintiffs in the Complaint, but the Parties desire to resolve this matter simply in order to avoid the costs of continued litigation, and the Parties believe this Consent Order setting aside the foreclosure sale and reconveying the Property to Plaintiffs will aid in the resolution of this action.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

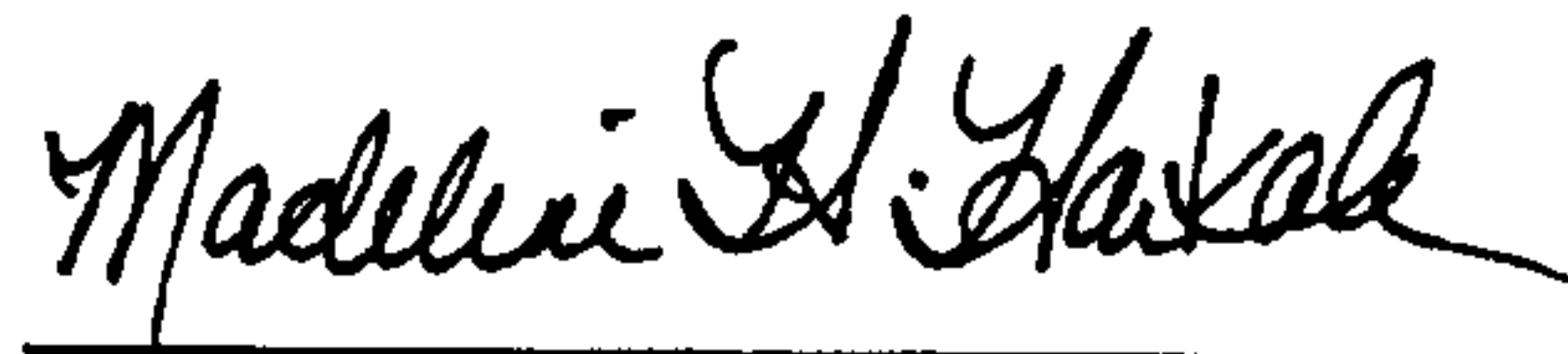
1. The foreclosure sale is hereby SET ASIDE as void and having no legal effect, and title to the Property is hereby vested in Plaintiffs.



2. For purposes of clarifying the title records, title to the Property and the priorities of liens, mortgages, judgment and other matters of record affecting the property shall be deemed to have the relative priority as though the foreclosure of the Mortgage had not occurred. The Mortgage, as herein reinstated, shall be the first priority mortgage subject only to the matters identified in the title policy initially insuring the Mortgage.

3. The Mortgage and Note and subsequent assignments are hereby REINSTATED under the terms and conditions of the Mortgage and Note in effect as of the date immediately preceding the date of the foreclosure sale.

Done, this the 11th day of June, 2013.




MADELINE HUGHES HAIKALA
U.S. MAGISTRATE JUDGE

A TRUE COPY
SHARON N. HARRIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

BY: 
DEPUTY CLERK

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Bk: LR201411 Pg:9145
Jefferson County, Alabama
02/27/2014 11:50:47 AM CO
Fee - \$22.00

Total of Fees and Taxes-\$22.00
LYNN



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Shelby Cnty Judge of Probate, AL
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Shelby Cnty Judge of Probate, AL
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State of Alabama

Jefferson County

I, the Undersigned, as Judge of Probate Court in and for Jefferson County, Alabama, hereby certify that the foregoing is a full, true and correct copy of the instrument with the filing of same as appears of record in this office. Given under my hand and official seal, this the 31st day of July, 2014.

Alan L. Krug
JUDGE OF PROBATE