



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JPMORGAN CHASE BANK, N.A.,)
)
 Plaintiff,)
)
 v.)
)
 JAMES LAWRENCE,) CV-2013-901038
)
 Defendant.)

ORDER

This action came on the joint motion of Plaintiff JPMorgan Chase Bank, N.A. ("JPMorgan") and Defendant James Lawrence ("Lawrence") (collectively, "the Parties") to reform the deed and mortgage that are the subject of this lawsuit to reflect the Parties' true intention with respect to the description of property conveyed by the deed and encumbered by the mortgage.

This Court previously entered an order on September 11, 2014 reforming the deed and mortgage pursuant to a motion for default judgment by JPMorgan. That September 11, 2014, order is hereby set aside and held for naught.

Based upon the above, **IT IS HEREBY DECLARED, ORDERED and ADJUDGED** as follows:

(a) This action involves that certain real property situated in Shelby County, Alabama, having a street address of 17255 Highway 61 North, Wilsonville, Alabama (the ".006 Parcel"), and also described as Tax Parcel No. 16-9-32-0-000-007.006. This parcel comprises eleven (11) acres, including a two (2) acre parcel with improvements including a house. The other parcel at issue in this matter is Tax Parcel No. 16-9-32-0-000-007.007, which is a parcel comprised of 7.38 acres of unimproved land ("the .007 Parcel").



(b) On July 24, 1985, Defendant James M. Lawrence and wife Melinda Hollis Lawrence (who is now deceased) obtained the .007 Parcel, less and except .87 acres, from R.L. Hollis and wife Adelaide S. Hollis via Warranty Deed, which deed was recorded on July 25, 1985 at Book 035, Page 388 in the Office of the Judge of Probate of Shelby County, Alabama.¹ Lawrence and his wife subsequently conveyed the .007 Parcel, less and except the .87 acres, on February 23, 1998 to Lawrence via Warranty Deed, which deed was recorded on February 24, 1998 at Inst. 1998-06174.

(c) Lawrence and his wife Melinda Hollis Lawrence obtained a two-acre portion of the .006 Parcel on July 19, 1991 from R.L. Hollis and wife Adelaide Hollis via Warranty Deed, which deed was recorded at Book 355, Page 947, and subsequently conveyed it on May 11, 1998 to Lawrence via Warranty Deed, which deed was recorded on May 11, 1998 at Instrument 1998-17204.

(d) On August 29, 2002 Melinda Hollis Lawrence² conveyed to Lawrence the remainder of the .006 Parcel via Warranty Deed, which deed was recorded on January 30, 2004 at Instrument 20040130000051270.

(e) On January 13, 2006, Lawrence and his wife quitclaimed what was meant to be the 2-acre portion of Parcel .006 back to themselves, intending to create a survivorship interest, which deed is recorded on March 3, 2006 at Inst. 20060303000101610 ("Vesting Deed"). However, the legal description contained in the Vesting Deed mistakenly described Parcel .007 and included a handwritten and initialed change to state that the legal description was for 2 acres.

¹ All recording references are made to the Office of the Judge of Probate of Shelby County, Alabama.

² On January 30, 2004 an heirship affidavit was recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument No. 20040130000051260 stating that Melinda Hollis Lawrence was the only child of decedents R.L. Hollis and Adelaide S. Hollis.

(f) This problem was complicated when Lawrence and his wife obtained a loan from JPMorgan, secured by what the parties believed was the 2-acre portion of Parcel .006, and signed a mortgage dated January 13, 2006, and recorded on February 15, 2006 at Inst. 2006215000076330 ("the Mortgage").³ However, while the legal description attached to the mortgage cites to Parcel .006 and contains the proper street address, the legal description describes Parcel .007 (and wrongly states that the parcel circumscribed by the legal description comprises 2 acres).

(g) Melinda Hollis Lawrence died on July 27, 2008.

(h) The proper legal description of the portion of Parcel .006 that the parties intended to convey by the Vesting Deed and encumber by the Mortgage is as follows:

A parcel of land situated in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Tsp. 20S, Range 1E described as follows;

Commence at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Tsp. 20S, Range 1E and run North for 2518.30 feet, thence S87°59'05"W for 281.30 feet to the Point of Beginning.

Thence from said Point of Beginning S88°31'31"E, a distance of 99.99 feet, thence S00°28'53"E, a distance of 367.05 feet; thence N88°48'49", a distance of 12.00 feet, thence S00°28'47"E, a distance of 571.39 feet, thence N88°33'41"W, a distance of 88.00 feet, thence N00°28'46"W, a distance of 938.56 feet back to the Point of Beginning. Said parcel contains 2.00 acres +-.

Said tract comprising a portion of Tax Parcel 16-9-32-0-000-007.006 and being the same property conveyed in that certain deed recorded in Book 355, Page 947, in the Office of the Judge of Probate of Shelby County, Alabama.⁴

³ On September 21, 2011 the mortgage was assigned to JPMorgan Chase Bank, N.A., which assignment was recorded on October 5, 2011 in the Office of the Judge of Probate of Shelby County, Alabama.

⁴ The survey of said property conducted on November 6, 2012 is attached hereto as Exhibit 1.

(i) The Vesting Deed and Mortgage are hereby reformed to contain this legal description. The Mortgage shall continue to enjoy the priority date afforded to the copy recorded on February 15, 2006 at Inst. 2006215000076330.

(j) The Vesting Deed and the Mortgage, as reformed, do not encumber the .007 Parcel in any way. *Cost taxed as paid.*


DONE this the 12th day of February, 2015.

Honnell
CIRCUIT JUDGE



20150219000052680 4/6 \$29.00
Shelby Cnty Judge of Probate, AL
02/19/2015 11:01:30 AM FILED/CERT

Exhibit 1


20150219000052680 5/6 \$29.00
Shelby Cnty Judge of Probate, AL
02/19/2015 11:01:30 AM FILED/CERT

**A SURVEY FOR FIDELITY NATIONAL
TITLE GROUP
C/O
NATIONAL DUE DILIGENCE SERVICES
3191 MAGUIRE BLVD., SUITE 200
ORLANDO, FL. 32803**

PARCEL 1

A parcel of land situated in the NW 1/4 of the SW 1/4 of Section 32, Tap. 20S, Range 1E, Shelby County, Alabama described as follows:

Commence at the SW corner of the NW 1/4 of the SE 1/4 of Section 32, Tap. 20S, Range 1E and run North for 2518.30 feet, thence S87°59'05"E for 281.30 feet, thence S88°31'31"E for 100.00 feet to the Point of Beginning.

Thence from said Point of Beginning S86°51'53"E, a distance of 398.33 feet; thence S00°31'02"W, a distance of 1,200.71 feet; thence N87°09'52"W, a distance of 380.25 feet; thence N00°28'46"W, a distance of 312.68 feet; thence S88°33'41"E, a distance of 88.00 feet; thence N00°28'47"W, a distance of 571.39 feet; thence S88°48'49"E, a distance of 12.00 feet; thence N00°28'53"W, a distance of 367.05 feet back to the Point of Beginning. Said Parcel contains 9.30 Acres +-.

PARCEL 2

A parcel of land situated in the NW 1/4 of the SE 1/4 of Section 32, Tap. 20S, Range 1E described as follows:

Commence at the SW corner of the NW 1/4 of the SE 1/4 of Section 32, Tap. 20S, Range 1E and run North for 2518.30 feet, thence S87°59'05"W for 281.30 feet to the Point of Beginning.

Thence from said Point of Beginning S88°31'31"E, a distance of 99.99 feet; thence S00°28'53"E, a distance of 367.05 feet; thence N88°48'49", a distance of 12.00 feet; thence S00°28'47"E, a distance of 571.39 feet; thence N88°33'41"W, a distance of 88.00 feet; thence N00°28'46"W, a distance of 338.56 feet back to the Point of Beginning. Said parcel contains 2.00 acres +-.

Date: 11-6-12
Job #: 19095
County: Shelby
Address: 17255 Highway 61
Wilcoxville, AL

Alabama Surveying & Mapping
5511 County Rd. 51
Andalusia, AL 36606
205-668-6696

- Topo
- Boundary
- Mortgage
- Construction Layout

- Flood Cert (flood)
- Property Line
- As Built

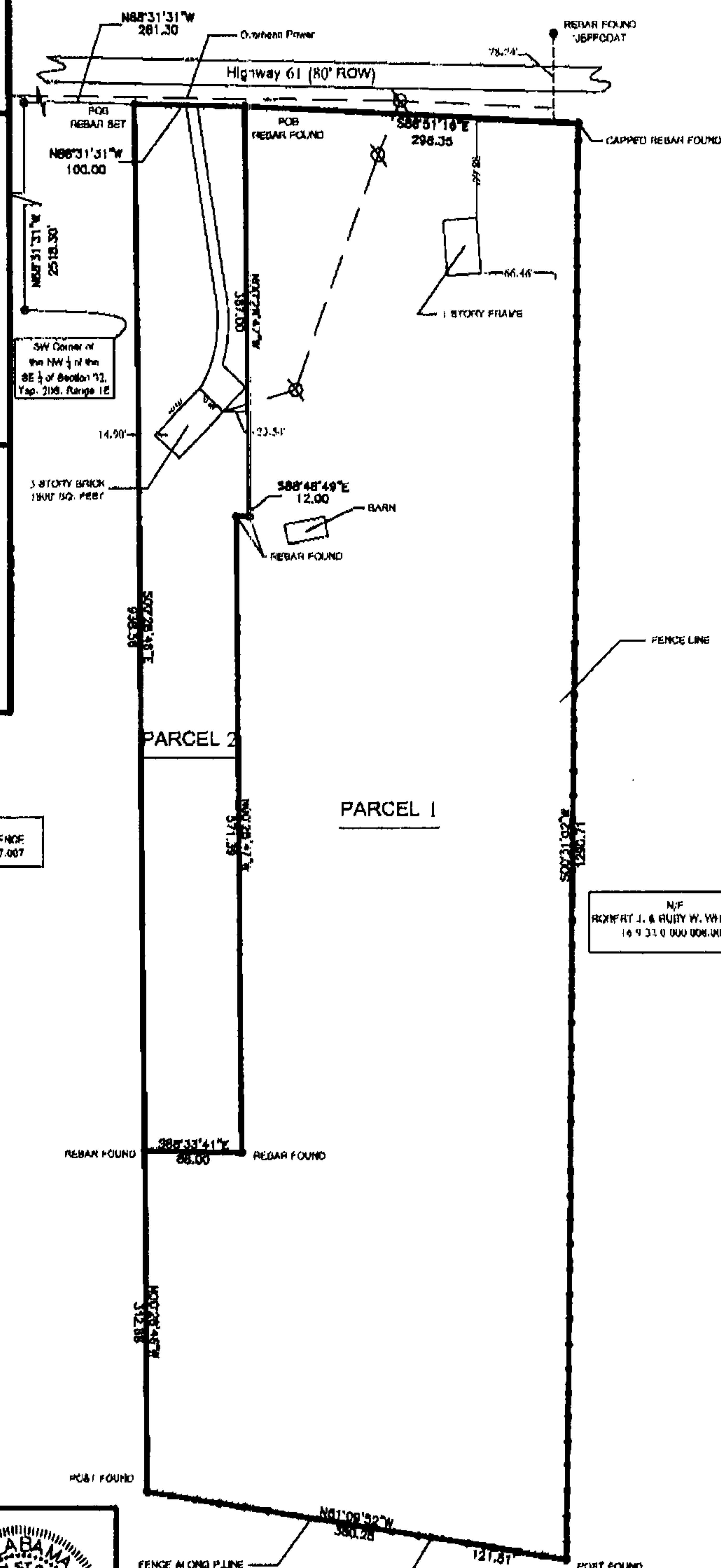
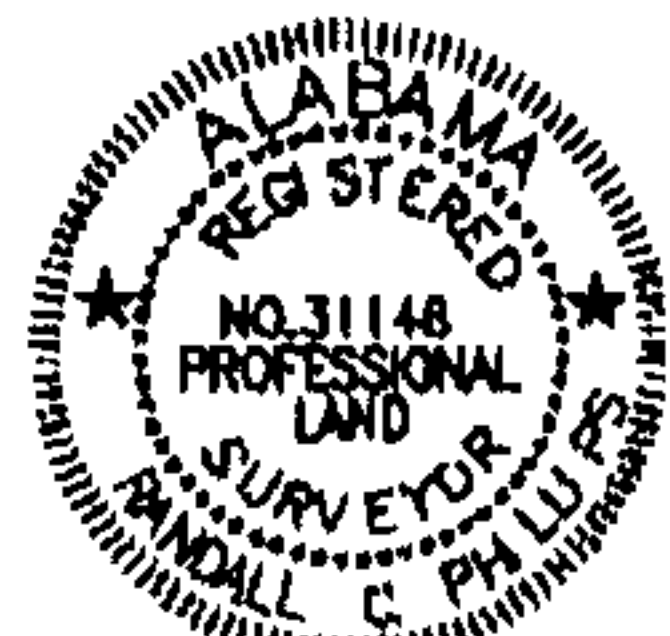
(205) 668-6696 Office
(205) 668-4071 Fax
www.alasurvey.com
randy@alasaninc.com

1. North arrow as shown herein is based on magnetic north.
2. All measurements shown herein are to U.S. standards.
3. No instruments of record reflecting easements, right of way, and/or ownership were furnished to surveyor except as shown.
4. No search of public records has been performed by this firm to determine any defects and/or ambiguity in the plan.
5. Only surface utility, storm and sanitary sewer structures which are located within the boundary and outside of designated easements are shown, no effort has been made to locate any sub-surface utility, storm and sanitary sewer lines except as shown.
6. Encroachments shown are as shown.
7. There was no field location adjustment to determine the extent of sub-surface structures or pipe overhangs, except as shown.
8. These measurements are in accordance with the state administrative code: Rule 330-2-2.01 paragraph 3 and Rule 330-2-1.03, canon 4, and/or rule for professional conduct.

I, Randall C. Phillips, Land Surveyor, do hereby state the survey shown herein meets the minimum technical standards for Land Surveying in the state of Alabama as adopted by the Alabama Society of Professional Land Surveyors.

According to this survey under my supervision, 18th day of November, 2012.

Randall C. Phillips, PLS
Alabama Reg. # 31148



20150219000052680 6/6 \$29.00
Shelby Cnty Judge of Probate, AL
02/19/2015 11:01:30 AM FILED/CERT