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58-CV-2012-900256.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

COMPASS BANK,)
Plaintiff,)
)
V.) Case No.: CV-2012-900256.00
)
JOHNSON CHERYL DENISE,)
SHAW BILLY,)
Defendants.)

ORDER

This action came before the Court upon the Motion for Summary filed by the plaintiff, Compass Bank, and the Court having been advised that defendant Cheryl Denise Johnson has no opposition thereto. After having considered said motion and the argument and representations of counsel for the parties at the hearing thereof, the Court finds that the relief requested in Plaintiff's Complaint and said motion is due to be granted as set forth herein and hereby **ORDERS** as follows:

1. The Mortgage granted by Cheryl Denise Johnson to Compass Bank dated November 16, 2007 and recorded in the Office of the Judge of Probate of Shelby County at Instrument No. 20071205000550640, and the Mortgage granted by Cheryl Denise Johnson to Compass Bank, also dated November 16, 2007 and recorded at Instrument No. 20071205000550650 in said Probate Office **SHALL** hereby be reformed and revised to replace the legal description included therein and to reflect the intention of the parties thereto to convey and encumber the interest of said Cheryl Denise Johnson as mortgagor in the following property:

Commence at the NW corner of Section 3, Township 22 South, Range 1 East; thence run Southerly along the West line of said Section a distance of 466.69 feet to a point; thence turn an angle to the left of 88°18'53" and run 79.61 feet to a point on the Easterly right of way of Shelby County Highway #77, said point being the NW corner of Parcel #1, according to the survey of Jack Johnson Estates, as recorded in Map Book 14, page 61, in the Probate Office of Shelby County, Alabama; thence turn an angle of 83°09'22" to the right and run in a Southeasterly direction along the Easterly right of way of Shelby County Highway #77, and along the West line of said Parcel #1, a distance of 661.82 feet to the SW corner of said Parcel #1, said point being the point of beginning of the property described herein; thence turn an angle of 84°35'38" to the left and run along the South line of said parcel #1, a distance of 583.30 feet to the Northwest corner of Parcel #4, according to said survey of Jack Johnson Estates; thence turn an angle of 89°56'56" right and run in a Southerly direction along the West line of Parcels #4 and #3, a distance of 470.44 feet to a point on the West line of said Parcel #3, of Jack Johnson Estates; thence turn an angle of 44°11'22" right and run along the Northwest line of said parcel #3, a distance of 623.16 feet to the Westernmost corner of said Parcel #3, said point being on the right of way of a prescriptive road; then turn an angle of 96°53'41" to the right and run along said right of way a distance of 80 feet to a point; thence turn an angle of 54°6'25" right and continue along said right of way a distance of 125.43 feet to a point on the East right of way of Shelby County Highway #77; thence turn an angle to the right of 42°14'37" right and run along said right of way a distance of 178.24 feet to a point; thence turn an angle of 15°23'30" to the left and continue along said right of way a distance of 272.0 feet to a point; thence turn an angle of 0°56'07" right and continue along said right of way a distance of 305.32 feet to the point of beginning.

Being the same property designated as Parcel #2 (not included), on the survey of Jack Johnson Estates, as recorded in Map Book 14, Page 61, in the Probate Office of Shelby County, Alabama.

Less and except any portion of subject property lying within a road right of way.

(hereinafter referred to as the "Mortgaged Property"). The Mortgaged Property constitutes the only real property in which any interest was conveyed to defendant Cheryl

Denise Johnson as described herein.

2. The Court has further reviewed the evidence before it, including the death certificates of Jack Johnson and Beatrice Johnson and the Last Will and Testament of Beatrice Johnson, and finds that Cheryl Denise Johnson is the rightful owner of and seized in full fee simple interest in the Mortgaged Property, as reformed above, said interest having vested upon the death of Beatrice Johnson by and through the terms and provisions of the said last Will and Testament, that Cheryl Denise Johnson possessed such ownership and fee title interest at the time of her granting the Mortgages to Compass Bank, and therefore affirms both Mortgages as valid encumbrances on and conveyances of all interest of Cheryl Denise Johnson to Compass Bank, subject to her rights of redemption, pursuant to the terms of said mortgages.

3. This Court further finds that said Mortgages constitute the superior liens, mortgages or encumbrances on the Mortgaged property, as reformed above, and authorizes Compass Bank to conduct foreclosure proceedings as to either or both mortgages by non-judicial means pursuant the power of sale contained in each mortgage. The Court finds that Compass Bank is entitled to foreclose on the reformed Mortgages, without further order of the Court, after first publishing notice of any foreclosure sale by publication according to Alabama law for three (3) consecutive weeks, to conduct said sale as scheduled at the front steps of the Shelby County Courthouse in Columbiana, Alabama, and to credit bid at the sale at its discretion. In the event of a foreclosure sale, Compass Bank shall apply to its indebtedness the amount of any credit bid, or any

proceeds from the sale should the property be sold to a third party bidder, in the manner provided in the applicable notes and/or mortgages.

4. Upon conclusion of any foreclosure sale, the sole right of Cheryl Denise Johnson in the Mortgaged Property shall be the statutory right of redemption.

5. Counsel for Plaintiff Compass Bank is instructed to record this Order with the Office of the Judge of Probate of Shelby County, Alabama.

6. Plaintiff's claims against defendant Billy Shaw d/b/a Bama Building Crafts are hereby DISMISSED WITH PREJUDICE pursuant to the parties' Joint Stipulation of Dismissal;

7. Costs of this action are to be taxed as paid.

DONE this 19th day of December, 2014.

/s/ WILLIAM H. BOSTICK, III
CIRCUIT JUDGE



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
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A handwritten signature in black ink, appearing to read "J. W. Fuhrmeister", is written over the typed name of the County Clerk.