



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

THE BANK OF NEW YORK MELLON,
ET AL.,
Plaintiff,

V.

ERWIN RICHARD ALLEN,
ERWIN ROBIN M.,
Defendants.

) Case No.: CV-2015-900326.00
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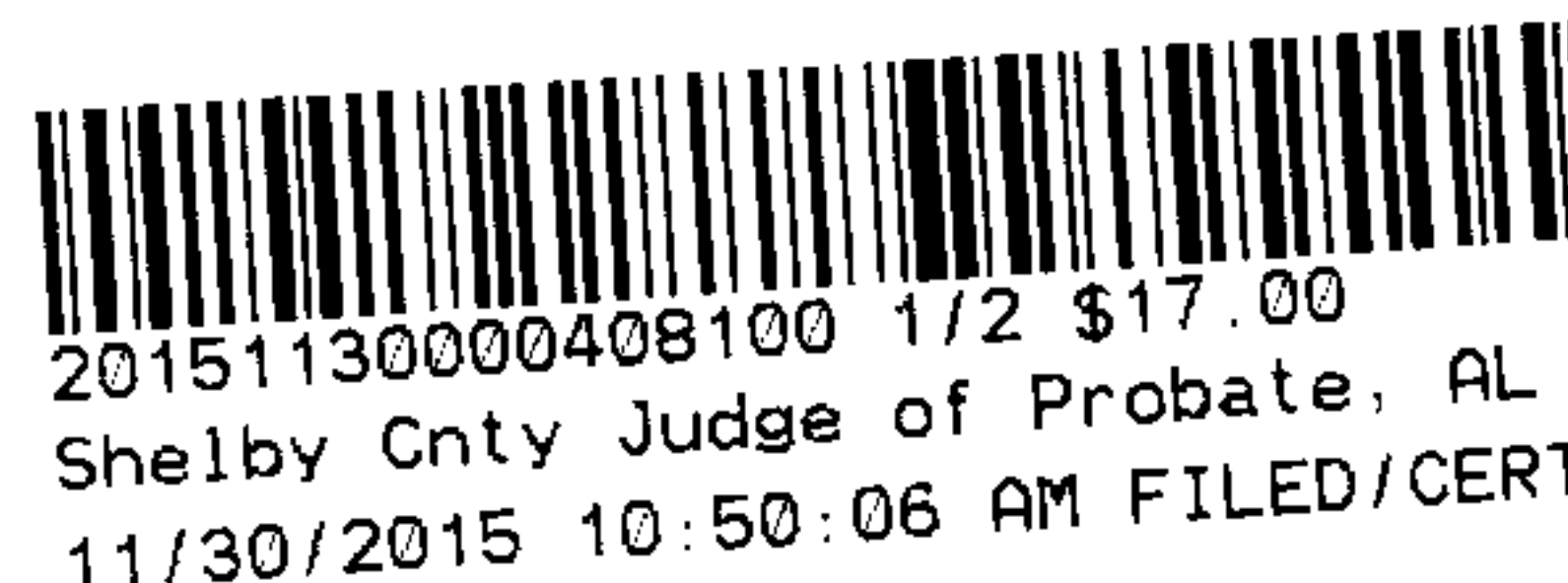
DEFAULT JUDGMENT AND FINAL ORDER

WHEREAS, the Motion of The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., Alternative Loan Trust 2003-4CB, Mortgage Pass-Through Certificates, Series 2003-12 (hereinafter, "BONY" or "Plaintiff") for Default Judgment against Defendants Richard Allen Erwin (hereinafter, "Mr. Erwin") and Robin M. Erwin (hereinafter, "Ms. Erwin"), having come before the Court, and after considering the Motion and the certificate attached thereto, as well as all other pleadings of record, the Court makes the following Findings of Fact and Conclusions of Law:

Counsel for Plaintiff filed the subject Complaint for Reformation, Declaratory Judgment and Equitable Relief on Plaintiff's behalf on April 14, 2015.

Mr. Erwin was served with the lawsuit via personal service by private process server on July 9, 2015, as evidenced by the Return of Service filed with this Court. To date, no Answer or other response has been filed by Mr. Erwin.

Ms. Erwin was served with the lawsuit via personal service by private process server on July 30, 2015, as evidenced by the Return of Service filed with this Court. To date, no Answer or other response has been filed by Ms. Erwin.



BAC-303

The Court concludes that Mr. Erwin and Ms. Erwin have failed to respond to the Summons and Complaint in the above-styled civil action, and that therefore, Plaintiff is entitled to judgment in its favor as to Defendants.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's Motion for Default Judgment is granted and that judgment entered in favor of Plaintiff's Complaint as follows:

A. That the Shelby County Judge of Probate, Alabama records be reformed to reflect that Robin M. Erwin's interest in the Property is subject to, encumbered by, and inferior to the Mortgage, recorded at Instrument No. 20030203000062640, Judge of Probate of Shelby County, Alabama records; and

B. That the Mortgage, recorded at Instrument No. 20030203000062640, Judge of Probate of Shelby County, Alabama, is hereby declared a valid, enforceable, first priority secured position on the Property.


DONE this 19th day of October, 2015.

/s/ WILLIAM H. BOSTICK, III
CIRCUIT JUDGE

Certified a true and correct copy

Date: 11-17-15

Mary H. Harris
Mary H. Harris, Circuit Clerk
Shelby County, Alabama


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Shelby Cnty Judge of Probate, AL
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