



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

**MIDFIRST BANK**

**Plaintiff,**

**v.**

**BRADLEY WHEELER, DENISE WHEELER  
AND UNITED STATES REVENUE SERVICE**

**Defendants.**

**CIVIL ACTION NO. 2014-901277**



20160108000007900 1/3 \$21.00  
Shelby Cnty Judge of Probate, AL  
01/08/2016 10:46:39 AM FILED/CERT

**FINAL ORDER**

This matter comes before the Court on the Complaint and Amended Complaint of MidFirst Bank ("Plaintiff" or "MidFirst") for Reformation of a Legal Instrument and Declaratory Judgment concerning a parcel of real property that is the subject of the Complaint and which has a reported physical address of 200 Stonecreek Way, Helena, Alabama 35080 and more particularly described as:

**Parcel I**

Lot 1510, according to the Survey of Old Cahaba IV, 2nd Addition, Phase Four, as recorded in Map Book 33, page 131, in the Probate Office of Shelby County, Alabama.

**Parcel II**

Lot 1510A, according to the survey of Old Cahaba IV, 2nd Addition, Phase Four Lake Access, as recorded in Map Book 34, Page 105, in the Probate Office of Shelby County, Alabama.

(the "Property"). This Court having considered the same and after determining there exists no genuine issue of material fact, this Court determines Plaintiff is entitled to judgment as a matter of law; it is therefore **ORDERED, ADJUDGED, and DECREED** as follows:

(a) That the mortgage executed by Bradley Wheeler and Denise Wheeler, a married

couple, in the amount of 237,405.00, in favor of Mortgage Electronic Registration Systems, Inc. ("MERS") acting solely as nominee for New Day Financial, LLC and its successors and assigns (the "Wheeler Mortgage"), which was recorded on or about October 13, 2008, as Instrument Number 20081013000403140, in the Office of the Judge of Probate of Shelby County, Alabama and which mortgage was subsequently assigned to MidFirst by assignment of mortgage recorded on or about August 16, 2013, as Instrument Number 20130816000334500 in the Office of the Judge of Probate of Shelby County, Alabama, is reformed to incorporate the following complete legal description of the Property:

**Parcel I**

Lot 1510, according to the Survey of Old Cahaba IV, 2nd Addition, Phase Four, as recorded in Map Book 33, page 131, in the Probate Office of Shelby County, Alabama.

**Parcel II**

Lot 1510A, according to the survey of Old Cahaba IV, 2nd Addition, Phase Four Lake Access, as recorded in Map Book 34, Page 105, in the Probate Office of Shelby County, Alabama.

(b) That the Wheeler Mortgage is a validly legal instrument and encumbers the Property interest of Bradley Wheeler and Denise Wheeler;

(c) That Plaintiff maintains a valid security interest in the Property;

(d) That the Wheeler Mortgage is a valid first position lien against the Property, superior to any and all existing liens and/or judgments that may encumber the Property;

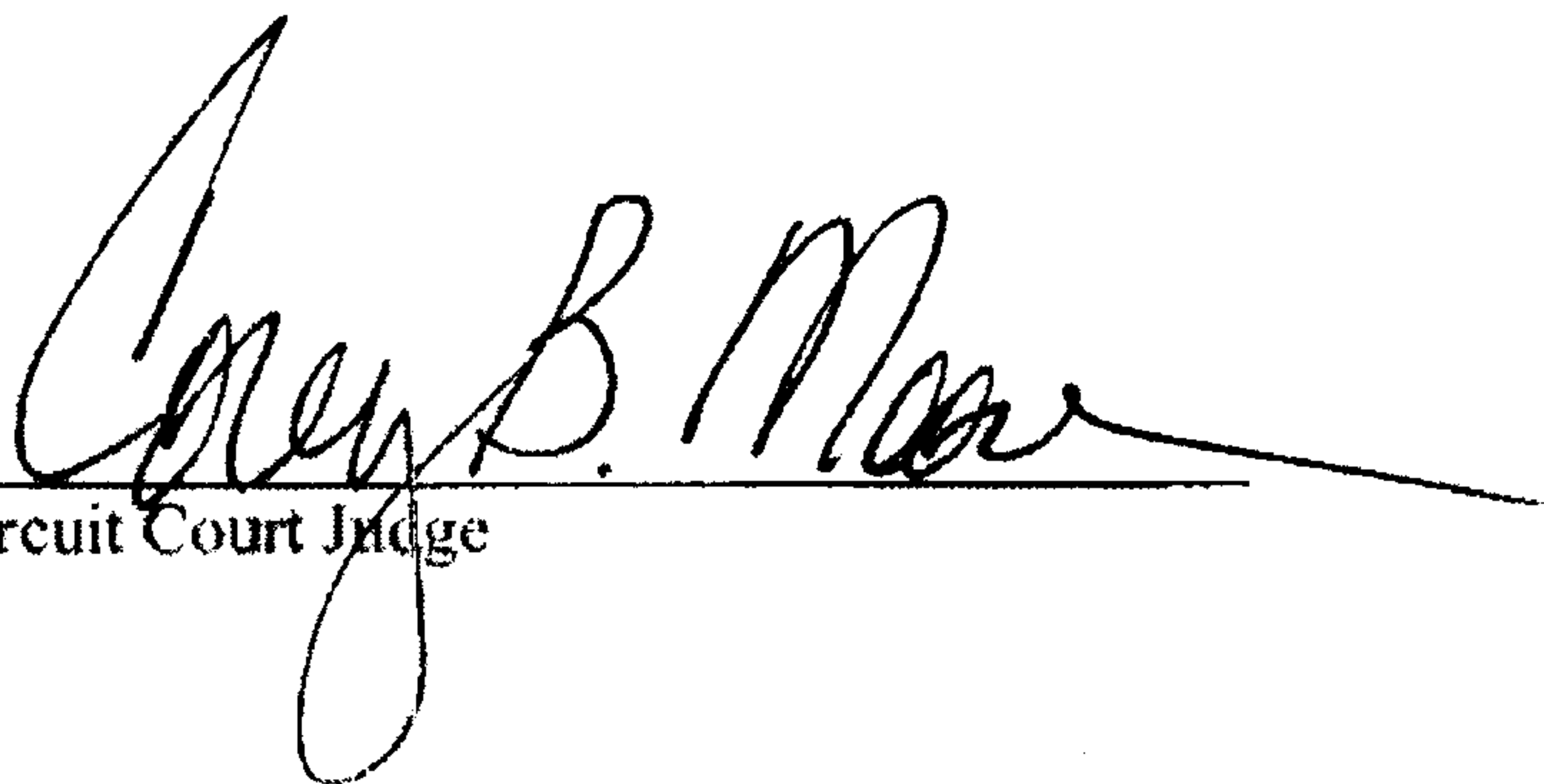
(e) That Plaintiff is entitled to enforce any and all of its rights, title, and available remedies with respect to the Plaintiff's interest in the Property, including but not limited to, non-

judicial foreclosure;

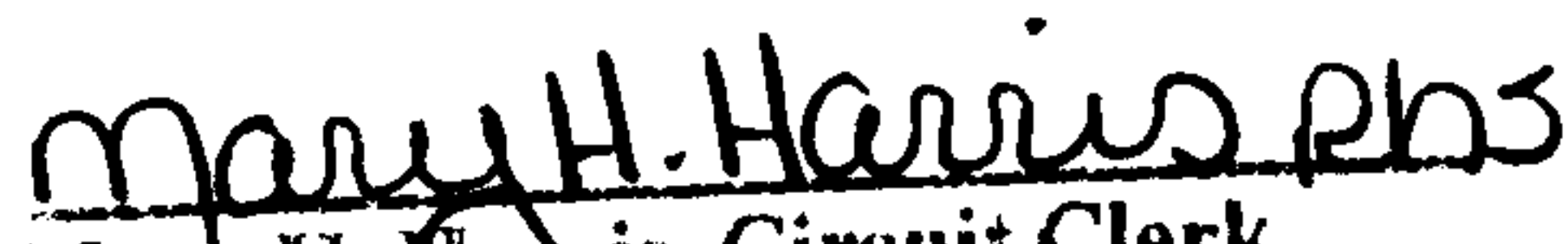
(f) That all the terms and provisions of the Wheeler Mortgage are to remain in full force and effect; and

(h) That costs are taxed as paid.

Done this 7<sup>th</sup> day of DECEMBER, 2015.

  
\_\_\_\_\_  
Circuit Court Judge

Certified a true and correct copy  
Date: 12-17-15

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



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