



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA



20160201000032290 1/2 \$17.00
Shelby Cnty Judge of Probate, AL
02/01/2016 12:21:53 PM FILED/CERT

U.S. BANK NATIONAL ASSOCIATION,)
Plaintiff,)

V.)

) Case No.: CV-2015-900722.00

EINIG DAVID R.,)
Defendant.)

DEFAULT JUDGMENT

This matter came before this Court on the Complaint of US Bank, National Association ("Plaintiff" or "US Bank") for Reformation of Legal Instrument and Declaratory Judgment concerning a piece of Property which is the subject of the Complaint and which has a reported physical address of 412 Foothills Parkway, Chelsea, Alabama 35043 and more particularly described as:

Lot 56, according to the subdivision plat of Foothills Point, Second Sector, as recorded in Map Book 32, page 69, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Now known as:

Lot 56A, according to the Resurvey of Lot 1, Foothills Point Third Sector and Lot 56 Foothills Point Second Sector, as recorded in Map Book 36, page 129, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

(the "Property").

Defendant David R. Einig having been served with Summons and a copy of the Complaint on or about September 4, 2015, but failing to respond or otherwise defend this action, this Court **ORDERS, ADJUDGES, and DECREES** as follows:

1. That Plaintiff's motion for default judgment against Defendant David R. Einig is hereby **GRANTED**;

2. That the mortgage executed by David R. Einig, an unmarried man, in the amount of \$166,140.00, in favor of Mortgage Electronic Registration Systems, Inc. ("MERS") acting solely as nominee for HMSV-USB Lending, LLC d/b/a MortgageSouth and its successors and assigns (the "Einig Mortgage"), which was recorded on or about September 16, 2004, as Instrument Number 20040915000513800, in the Office of the Judge of Probate of Shelby County, Alabama, and which mortgage was subsequently assigned to U.S. Bank by assignment of mortgage recorded on or about January 8, 2013, as Instrument Number 20130108000010600, in the Office of the Judge of Probate of Shelby County, Alabama is reformed to incorporate the following



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complete legal description of the Property:

Lot 56, according to the subdivision plat of Foothills Point, Second Sector, as recorded in Map Book 32, page 69, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Now known as:

Lot 56A, according to the Resurvey of Lot 1, Foothills Point Third Sector and Lot 56 Foothills Point Second Sector, as recorded in Map Book 36, page 129, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

3. That the Defendant's interest in the Property acquired via the deed recorded on or about February 7, 2006, as Instrument Number 20060207000063720, in the Office of the Judge of Probate of Shelby County, Alabama, is subject to the Plaintiff's mortgage;

4. That the Einig Mortgage is a validly executed legal instrument and encumbers the Property interest of David R. Einig;

5. That Plaintiff maintains a valid secured interest in the Property;

6. That the Einig Mortgage is a valid first position lien against the Property, prior and superior to any existing liens and/or judgments against the Property;

7. That all the terms and provisions of the Einig Mortgage are to remain in full force and effect;

8. 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; and

9. That costs are taxed as paid.

Certified a true and correct copy

Date: 01-08-16

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

DONE this 28th day of December, 2015.

/s/ WILLIAM H. BOSTICK, III