



20161221000465700 1/3 \$21.00
Shelby Cnty Judge of Probate, AL
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12/12/2016 8:37 AM
58-CV-2016-900542.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

BANK OF AMERICA, N.A.,

Plaintiff,

v.

**TONY J. CHATTA, in his personal capacity
And as Executor of the Estate of Angie
Levern Chatta,**

Defendant.

CIVIL ACTION NO.

58-CV-2016-900542

CONSENT ORDER

This action came on the Consent to Judgment filed by Defendant Tony Chatta, in his personal capacity and as Executor of the Estate of Angie Levern Chatta on September 20, 2016.

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

1. This action involves that certain real property situated in Shelby County, Alabama, having a street address of 8777 Highway 41 South, Leeds, Alabama 35094 (the "Subject Property").
2. On April 21, 1998, Angie Chatta and Patricia D. Henson conveyed the Subject Property to Angie Chatta and Defendant Tony J. Chatta via warranty deed, which was recorded on May 13, 1998 at Inst. #1998-17585 in the Office of the Judge of Probate of Shelby County, Alabama.¹
3. In 2009, Angie Chatta passed away, and her estate was administered in the Court of Probate of Shelby County, Alabama. Defendant Tony J. Chatta was named executor of the estate.

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

4. Pursuant to the terms of Ms. Chatta's will, the Subject Property passed to Defendant Tony J. Chatta, and on December 28, 2009, Defendant Tony J. Chatta, as Executor of the Estate of Angie Levern Chatta, conveyed the Subject Property to himself individually via statutory warranty deed, which was recorded on December 29, 2009 at Inst. # 20091229000473330 ("Vesting Deed").

5. On February 26, 2010 Defendant Tony J. Chatta obtained a loan secured by a mortgage on the Subject Property in favor of Real Estate Mortgage Network, Inc., which mortgage was recorded on March 4, 2010 at Inst. # 2010304000063240 ("Mortgage"). The Mortgage was assigned on March 19, 2012 to Plaintiff. The Assignment of Mortgage was recorded on March 29, 2012 at Inst. # 20120329000107160.

6. The Vesting Deed and Mortgage are defective because the legal description contained in both documents omits the Subject Property's township designation. The Mortgage is also defective because it is missing part of the legal description of the Subject Property.

7. Through a mutual mistake of the parties, or as a result of the clerical or other error that occurred in the process of preparing closing documents, there exist multiple errors in the legal description of the Subject Property as contained in the Vesting Deed and Mortgage.

8. Costs are taxed as paid.

WHEREFORE, premises considered, the Vesting Deed and Mortgage are hereby reformed to contain the proper legal description of the Subject Property attached hereto as Exhibit 1.

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DONE this 12th day of DECEMBER, 2016.

Cory B. Moore
CIRCUIT JUDGE

Certified a true and correct copy

Date: 12-14-16

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

NETCO

8/9/2010 3:30 PM PAGE 11/026 Fax Server

APPENDIX A

The NE 1/4 of the NW 1/4 and that part of the NW 1/4 of the NE 1/4, lying West of the "Old Gin House Branch", in Section 18 South, Range 1 East, Shelby County, Alabama.

Less and except the following:

- a. A part of the NE 1/4 of the NW 1/4 of Section 18, Township 18 South, Range 1 East, described as follows: Begin at SE corner of said 1/4 1/4 Section and run North along East line 99 yards, thence South 99 yards to South line of said 1/4 1/4, thence East along South line 99 yards to point of beginning, being situated in Shelby County, Alabama. Exception highway right of way.
- b. A parcel of land situated in the NE 1/4 of NW 1/4 of Section 18, Township 18 South, Range 1 East, Shelby County, Alabama and being more particularly described as follows: Begin at SW corner of NE 1/4 of NW 1/4 of Section 18 Township 18 South, Range 1 East, Shelby County, Alabama and run in a Northerly direction along the West line of said 1/4 1/4 Section a distance of 1326 57 feet to a point; thence turn an angle of 89 deg. 04 min. 30 sec. and run to the right in an Easterly direction along the North line of said 1/4 1/4 Section of distance of 767 00 feet to a point, thence turn an interior angle of 69 deg. 50 min. 50 sec. and run to the right and in a Southwesterly direction a distance of 1409 41 feet to a point on the South line of 1/4 1/4 Section, thence turn an interior angle of 110 deg. 32 min. 40 sec. and run to the right and in a Westerly direction along the South line of said 1/4 1/4 Section a distance of 260 00 feet more or less, to point of beginning of the herein described parcel; being situated in Shelby County, Alabama.
- c. Part of the NW 1/4 of the NE 1/4 and part of the NE 1/4 of the NW 1/4 of Section 18, Township 18 South, Range 1 East, Shelby County, Alabama, more particularly described as follows: Begin at a point where the North right of way line of Shelby County Highway No. 41 intersects the centerline of Gin House Branch, thence run Southwesterly along the right of way line of Shelby County Highway No. 41 a distance of 502 feet to a point; thence turn an interior angle to the right of 99 deg. 40 min. which said angle would be an exterior angle of 80 deg. 20 min. and run thence in a Northwesterly direction to a point on the Easternmost boundary of the Satterwhite property, thence turn to the right and run Northerly along the Satterwhite property to a point where the same intersects the Northern boundary of the NE 1/4 of the NW 1/4, run thence Easterly along the Northern boundary of the NE 1/4 of the NW 1/4 and the Northern boundary of the NW 1/4 of the NE 1/4 to a point in the center of Gin House Branch; thence turn to the right and run Southeasterly along the centerline of Gin House Branch to the point of beginning, being situated in Shelby County, Alabama.
- d. A part of the NE 1/4 of the NW 1/4 of Section 18, Township 18 South, Range 1 East, more particularly described as follows: Commence at the SW corner of the NE 1/4 of NW 1/4 Section 18, Township 18 South, Range 1 East and run thence Easterly along the South boundary of said 1/4 1/4 Section a distance of 250 feet to a point which the Southeastern corner of the Satterwhite property; thence continue in the same direction along the Southern boundary of said 1/4 1/4 Section a distance of 210 feet to a point; which said point is the Southeastern corner of a three acre parcel being conveyed; thence turn to the left and run Northeasterly parallel with the Satterwhite property line along the Easterly boundary of the Chatta property line a distance of 210 feet to a point; thence turn to the right and run Easterly parallel with the Southern boundary of said 1/4 1/4 Section a distance of 210 feet to a point; thence turn to the right and run Southwesterly parallel with the Satterwhite property line and parallel with the Chatta property line a distance of 210 feet, more or less, to a point on the Southern boundary of said 1/4 1/4 Section; thence turn to the right and run Westerly along the Southern boundary of said 1/4 1/4 Section a distance of 210 feet to the point of beginning, being situated in Shelby County, Alabama.
- e. A part of the NE 1/4 of the NW 1/4 Section 18, Township 18 South, Range 1 East, more particularly described as follows: Commence at the Southeast corner of the NE 1/4 of the NW 1/4 of Section 18, Township 18 South, Range 1 East and run thence East along the South boundary of said 1/4 1/4 Section line a distance of 260 feet, more or less, to a point which is the Southeastern corner of the Satterwhite property; thence turn to the left and run Northeasterly along the Easterly boundary of the Satterwhite property a distance of 630 feet to a point; thence turn to the right and run Easterly parallel with the Southern boundary of said 1/4 1/4 Section a distance of 210 feet to a point; thence turn to the right and run Westerly along the South boundary of said 1/4 1/4 Section a distance of 210 feet to the point of beginning, being situated in Shelby County, Alabama.



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Company

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