

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

FEDERAL HOME LOAN MORTGAGE  
CORPORATION,

Plaintiff,

v.

IZENA B. DAVIS, NORA MARTIN A/K/A  
NORA MAE MARTIN, JOSEPH W.  
DAVIS,

Defendants.



20170628000230660 1/6 \$32.00  
Shelby Cnty Judge of Probate AL  
06/28/2017 12:03:19 PM FILED/CERT

CIVIL ACTION NO. 2017-900392

**NOTICE OF LIS PENDENS**

NOTICE is hereby given that Federal Home Loan Mortgage Corporation ("Plaintiff" or "Freddie Mac"), filed a Complaint for reformation legal instruments, declaration of title and declaratory judgment concerning a piece of real property that is the subject of the Complaint and which has an address, as assessed by the Shelby County Tax Assessor, of 2911 Bear Creek Rd. Sterrett, Alabama 35147 are more particularly described as:

Commence at the NE Corner of the SE ¼ of the NE ¼ of Section 15, Township 19 South, Range 1 West, Shelby County, Alabama; thence North 89 degrees 39 minutes 00 seconds West, a distance of 327.99 feet to the Westerly Right of Way line of Shelby County Highway 43, 80 feet Right of Way and the Point of Beginning; thence South 41 degrees 24 minutes 18 seconds West and along said Right of way, a distance of 165.36 feet; thence South 42 degrees 46 minutes 19 seconds West and along said Right of way line, a distance of 171.56 feet to the Northerly Right of way line of Shadywood Circle, 60 feet Right of Way at this point; thence North 57 degrees 48 minutes 56 seconds West and along said Right of Way line, a distance of 239.46 feet; thence North 89 degrees 52 minutes 52 seconds West and along said Right of way line, a distance of 12.60 feet to the prescriptive right of way line of Shadywood Circle; thence North 47 degrees 27 minutes 52 seconds West and along said Right of way line, a distance of 21.95 feet to a curve to the right, having a radius of 17.00, a central angle of 97 degrees 53 minutes 55 seconds, and subtended by a chord which bears North 01 degrees 29 minutes 05 seconds East, and a chord distance of 25.64 feet; thence along said arc of said curve

and said Right of Way line, a distance of 29.05 feet; thence North 50 degrees 26 minutes 03 seconds East and along said Right of way line, a distance of 108.67 feet to a curve to the right, having a radius of 280.00, a central angle of 10 degrees 36 minutes 50 seconds, and subtended by a chord which bears North 55 degrees 44 minutes 28 seconds East, and a chord distance of 51.80 feet; thence along the arc of said curve and said Right of way line, a distance of 51.87 feet; thence North 61 degrees 02 minutes 53 seconds East and along said Right of way line, a distance of 377.20 feet; thence South 00 degrees 00 minutes 00 seconds East and leaving said Right of way line, a distance of 199.05 feet to the Point of Beginning. Said Parcel containing 2.33 acres, more or less.

(the "Property").

1. That title to the Property, i.e. tax parcel id 09-5-15-0-000-005.000 ("5.000"), is solely vested in Freddie Mac.

2. That James K. Montgomery, the grantee in the deed, recorded on April 22, 1974, in Book 286, Page 490, in the Shelby County Probate Office, Alabama (the "Montgomery 1 Deed"), is one and the same person as James K. Montgomery, Jr., co-grantor in the deed recorded on or about February 7, 1983, in Book 344, Page 987, in the Shelby County Probate Office, Alabama (the "Montgomery 2 Deed").

3. That the Montgomery 2 Deed is reformed to state that the property conveyed was not the homestead of James K. Montgomery, Jr. or his wife, Cheryl Montgomery at its execution.

4. That the mortgage given by Izena B. Davis, an unmarried woman and Nora Martin, an unmarried woman, in the amount of \$116,000.00, in favor of ABN AMRO Mortgage Group, Inc., which was recorded on or about December 18, 2006, in Instrument Number 20061218000614710, in the Shelby County Probate Office, Alabama (the "Mortgage"), is to be reformed with the following legal description:

Commence at the NE Corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 15, Township 19 South, Range 1 West, Shelby County, Alabama;

thence North 89 degrees 39 minutes 00 seconds West, a distance of 327.99 feet to the Westerly Right of Way line of Shelby County Highway 43, 80 feet Right of Way and the Point of Beginning; thence South 41 degrees 24 minutes 18 seconds West and along said Right of way, a distance of 165.36 feet; thence South 42 degrees 46 minutes 19 seconds West and along said Right of way line, a distance of 171.56 feet to the Northerly Right of way line of Shadywood Circle, 60 feet Right of Way at this point; thence North 57 degrees 48 minutes 56 seconds West and along said Right of Way line, a distance of 239.46 feet; thence North 89 degrees 52 minutes 52 seconds West and along said Right of way line, a distance of 12.60 feet to the prescriptive right of way line of Shadywood Circle; thence North 47 degrees 27 minutes 52 seconds West and along said Right of way line, a distance of 21.95 feet to a curve to the right, having a radius of 17.00, a central angle of 97 degrees 53 minutes 55 seconds, and subtended by a chord which bears North 01 degrees 29 minutes 05 seconds East, and a chord distance of 25.64 feet; thence along said arc of said curve and said Right of Way line, a distance of 29.05 feet; thence North 50 degrees 26 minutes 03 seconds East and along said Right of way line, a distance of 108.67 feet to a curve to the right, having a radius of 280.00, a central angle of 10 degrees 36 minutes 50 seconds, and subtended by a chord which bears North 55 degrees 44 minutes 28 seconds East, and a chord distance of 51.80 feet; thence along the arc of said curve and said Right of way line, a distance of 51.87 feet; thence North 61 degrees 02 minutes 53 seconds East and along said Right of way line, a distance of 377.20 feet; thence South 00 degrees 00 minutes 00 seconds East and leaving said Right of way line, a distance of 199.05 feet to the Point of Beginning. Said Parcel containing 2.33 acres, more or less.

5. That the foreclosure deed conveying the Property to CitiMortgage, which was recorded on or about April 3, 2015, in Instrument Number 20150403000105590 and was recorded on April 16, 2015, in Instrument Number 20150416000122830, in the Shelby County Probate Office, Alabama (the "Foreclosure Deed"), is to be reformed with the following legal description:

Commence at the NE Corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 15, Township 19 South, Range 1 West, Shelby County, Alabama; thence North 89 degrees 39 minutes 00 seconds West, a distance of 327.99 feet to the Westerly Right of Way line of Shelby County



Highway 43, 80 feet Right of Way and the Point of Beginning; thence South 41 degrees 24 minutes 18 seconds West and along said Right of way, a distance of 165.36 feet; thence South 42 degrees 46 minutes 19 seconds West and along said Right of way line, a distance of 171.56 feet to the Northerly Right of way line of Shadywood Circle, 60 feet Right of Way at this point; thence North 57 degrees 48 minutes 56 seconds West and along said Right of Way line, a distance of 239.46 feet; thence North 89 degrees 52 minutes 52 seconds West and along said Right of way line, a distance of 12.60 feet to the prescriptive right of way line of Shadywood Circle; thence North 47 degrees 27 minutes 52 seconds West and along said Right of way line, a distance of 21.95 feet to a curve to the right, having a radius of 17.00, a central angle of 97 degrees 53 minutes 55 seconds, and subtended by a chord which bears North 01 degrees 29 minutes 05 seconds East, and a chord distance of 25.64 feet; thence along said arc of said curve and said Right of Way line, a distance of 29.05 feet; thence North 50 degrees 26 minutes 03 seconds East and along said Right of way line, a distance of 108.67 feet to a curve to the right, having a radius of 280.00, a central angle of 10 degrees 36 minutes 50 seconds, and subtended by a chord which bears North 55 degrees 44 minutes 28 seconds East, and a chord distance of 51.80 feet; thence along the arc of said curve and said Right of way line, a distance of 51.87 feet; thence North 61 degrees 02 minutes 53 seconds East and along said Right of way line, a distance of 377.20 feet; thence South 00 degrees 00 minutes 00 seconds East and leaving said Right of way line, a distance of 199.05 feet to the Point of Beginning. Said Parcel containing 2.33 acres, more or less.

6. That the special statutory warranty deed conveying the Property to Freddie Mac, which was recorded on or about April 21, 2015, in Instrument 20150421000129180, in the Shelby County Probate Office, Alabama (the "Freddie Mac Deed"), is to be reformed with the following legal description:

Commence at the NE Corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 15, Township 19 South, Range 1 West, Shelby County, Alabama; thence North 89 degrees 39 minutes 00 seconds West, a distance of 327.99 feet to the Westerly Right of Way line of Shelby County Highway 43, 80 feet Right of Way and the Point of Beginning; thence South 41 degrees 24 minutes 18 seconds West and along said Right of way, a distance of 165.36 feet; thence South 42 degrees 46 minutes 19 seconds West and along said Right of way

line, a distance of 171.56 feet to the Northerly Right of way line of Shadywood Circle, 60 feet Right of Way at this point; thence North 57 degrees 48 minutes 56 seconds West and along said Right of Way line, a distance of 239.46 feet; thence North 89 degrees 52 minutes 52 seconds West and along said Right of way line, a distance of 12.60 feet to the prescriptive right of way line of Shadywood Circle; thence North 47 degrees 27 minutes 52 seconds West and along said Right of way line, a distance of 21.95 feet to a curve to the right, having a radius of 17.00, a central angle of 97 degrees 53 minutes 55 seconds, and subtended by a chord which bears North 01 degrees 29 minutes 05 seconds East, and a chord distance of 25.64 feet; thence along said arc of said curve and said Right of Way line, a distance of 29.05 feet; thence North 50 degrees 26 minutes 03 seconds East and along said Right of way line, a distance of 108.67 feet to a curve to the right, having a radius of 280.00, a central angle of 10 degrees 36 minutes 50 seconds, and subtended by a chord which bears North 55 degrees 44 minutes 28 seconds East, and a chord distance of 51.80 feet; thence along the arc of said curve and said Right of way line, a distance of 51.87 feet; thence North 61 degrees 02 minutes 53 seconds East and along said Right of way line, a distance of 377.20 feet; thence South 00 degrees 00 minutes 00 seconds East and leaving said Right of way line, a distance of 199.05 feet to the Point of Beginning. Said Parcel containing 2.33 acres, more or less.

7. That Defendant Joseph Davis does not hold any interest in the Property, i.e. tax parcel 5.000;
8. That Freddie Mac's ownership of the Property is absolute and its interest in the Property is prior and superior to any other existing judgments and liens; and
9. That costs are taxed as paid.

Done this 26<sup>th</sup> day of June, 2017.



Andy W. Saag (SAA004)

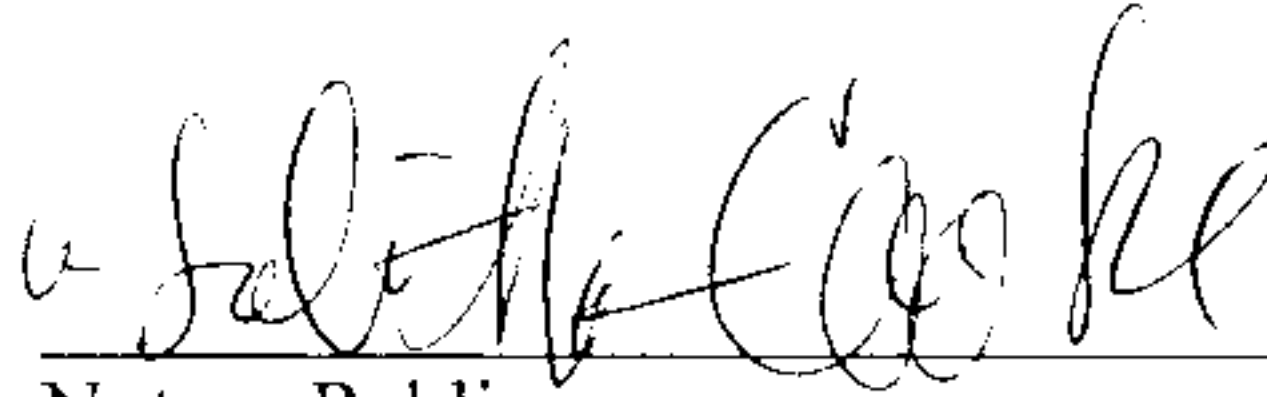
\*Jahan N. Berns (BER067)

Attorneys for Federal Home Loan Mortgage Corporation

**OF COUNSEL:**

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Sworn and subscribed before me  
on this 26<sup>th</sup> day of JUNE, 2017



Notary Public



20170628000230660 6/6 \$32.00  
Shelby Cnty Judge of Probate, AL  
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