



## AlaFile E-Notice

58-CV-2018-900229.00

Judge: HEWITT L CONWILL

To: HUSTED MARK ANTHONY  
mhusted@rubinlublin.com

**20180504000151880**  
**05/04/2018 08:32:33 AM**  
**ORDER 1/6**

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

PLANET HOME LENDING LLC VS AVADIAN CREDIT UNION  
58-CV-2018-900229.00

The following matter was FILED on 5/3/2018 5:16:14 PM

Notice Date: 5/3/2018 5:16:14 PM

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CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

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IN THE CIRCUIT COURT OF SHELBY COUNTY  
STATE OF ALABAMA

PLANET HOME LENDING, LLC,

Plaintiff,

v.

AVADIAN CREDIT UNION, F/K/A  
ALABAMA TELCO CREDIT UNION,  
SUCCESSOR IN INTEREST TO BBM  
FEDERAL CREDIT UNION,

Defendant.

CASE NO.: 58-CV-2018-900229

CONSENT ORDER

WHEREAS, this action involves real property located at 116 Wildflower Trail, Alabaster, Alabama 35007 (the "Property"), which is the subject of this litigation and is more particularly described as follows:

LOT 22, ACCORDING TO THE AMENDED MAP OF THE MEADOWS, PLAT ONE, AS RECORDED IN MAP BOOK 19, PAGE 10, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

AKA 116 WILD FLOWER TRAIL, ALABASTER, ALABAMA 35007.

PID # 23 5 15 0 003 022.000.

WHEREAS, on November 13, 1997, Linda M. Cox, by Vicki Meredith as Attorney-In-Fact, conveyed the Property to Carrie E. Dodd Harner and Ritchie H. Dodd via a Warranty Deed recorded November 18, 1997 at Instrument # 1997-37546 in the Shelby County, Alabama probate records (the "Warranty Deed").

WHEREAS, subsequently, on April 10, 2002, Mortgage Electronic Registration Systems, Inc. ("MERS") became the owner of the Property by virtue of the foreclosure sale of the

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property, as evidenced by the Foreclosure Deed recorded on April 10, 2002 at Instrument # 2002-16684 in the Shelby County, Alabama probate records (the "Foreclosure Deed").

WHEREAS, on May 22, 2002, MERS conveyed the property to The Secretary of Housing and Urban Development ("HUD") via a Special Warranty Deed recorded June 5, 2002 at Instrument # 20020605000264500 in the Shelby County, Alabama probate records (the "HUD Special Warranty Deed").

WHEREAS, subsequently, a Corrective Foreclosure Deed was prepared and executed, which changed the grantee from MERS to "BBM"; the Corrective Foreclosure Deed was recorded September 11, 2002 at Instrument # 20020911000436350 in the Shelby County, Alabama probate records (the "Corrective Foreclosure Deed").

WHEREAS, BBM Federal Credit Union is the same entity referred to as "BBM" as the grantee in the Corrective Foreclosure Deed.

WHEREAS, on August 26, 2002, MERS executed a Corrective Special Warranty Deed conveying the Property to HUD; the Corrective Special Warranty Deed was recorded September 11, 2002 at Instrument # 20020911000436360 in the Shelby County, Alabama probate records (the "Corrective Special Warranty Deed").

WHEREAS, because the Corrective Foreclosure Deed conveyed the Property to BBM, but the Corrective Special Warranty Deed was from MERS to HUD rather than from BBM to HUD, there appears to be a break in the chain of title. The Corrective Foreclosure Deed was intended to recite MERS as the grantee rather than BBM.

WHEREAS, because the HUD Special Warranty Deed was recorded on June 5, 2002, prior to the recording of the Corrective Foreclosure Deed and Corrective Special Warranty Deed

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on September 11, 2002, HUD retained title to the Property by virtue of being a bona fide purchaser for value without notice of any other prior conveyances.

WHEREAS, HUD conveyed the Property to Sean D. Brooks via Special Warranty Deed recorded September 19, 2002 at Instrument # 20020919000452990 in the Shelby County, Alabama probate records (the "Brooks Special Warranty Deed").

WHEREAS, on March 18, 2009, Sean Brooks conveyed the Property to Mitchel S. Bunting and Lara B. Bunting via Warranty Deed recorded April 2, 2009 at Instrument # 20090402000120770 in the Shelby County, Alabama probate records (the "Bunting Warranty Deed").

WHEREAS, on May 11, 2015, Lara B. Bunting conveyed her interest in the Property to Mitchel S. Bunting via Quitclaim Deed recorded September 8, 2015 at Instrument # 20150908000312540 in the Shelby County, Alabama probate records (the "Bunting Quitclaim Deed").

WHEREAS, Plaintiff is the current holder in interest of a Mortgage on the Property, as shown by the Mortgage executed by Mitchel S. Bunting on May 11, 2015 (the "Mortgage"). The Mortgage was recorded September 8, 2015 at Instrument # 20150908000312550 in the Shelby County, Alabama probate records.

WHEREAS, the Property has been in the possession of Mitchel S. Bunting and his predecessors in interest since approximately 2002, when the Property was initially conveyed to Sean D. Brooks via the Brooks Special Warranty Deed. Furthermore, the Brooks Special Warranty Deed has been duly recorded in the office of the judge of probate of Shelby County, the county in which the land lies, for more than 10 years pursuant to Ala. Code § 6-5-200.

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WHEREAS, Mitchel S. Bunting and his predecessors in interest have annually listed the Property for taxation in Shelby County, the proper county, for 10 years prior to the commencement of this action, pursuant to Ala. Code § 6-5-200.

WHEREAS, subsequent to the execution of the instruments at issue in this action, Alabama Telco Credit Union acquired or merged with BBM.

WHEREAS, subsequent to the execution of the instruments at issue in this action, Alabama Telco Credit Union changed its name to Avadian Credit Union ("Avadian").

WHEREAS, Planet Home Lending and Avadian consent and agree that the Corrective Foreclosure Deed recorded September 11, 2002 at Instrument # 20020911000436350 in the Shelby County, Alabama probate records, be reformed to reflect that the Property was conveyed to MERS rather than BBM.

WHEREAS, Planet Home Lending and Avadian consent and agree that the Mortgage recorded September 8, 2015 at Instrument Number 20150908000312550 in the Shelby County, Alabama probate records is a valid, enforceable, first-priority interest in the Property.

WHEREFORE, IT IS ORDERED AND ADJUDGED that the Corrective Foreclosure Deed recorded September 11, 2002 at Instrument # 20020911000436350 in the Shelby County, Alabama probate records, be reformed to reflect that the Property was conveyed to MERS rather than BBM.

WHEREFORE IT IS ORDERED AND ADJUDGED that the Mortgage recorded September 8, 2015 at Instrument Number 20150908000312550 in the Shelby County, Alabama probate records is a valid, enforceable, first-priority interest in the Property.

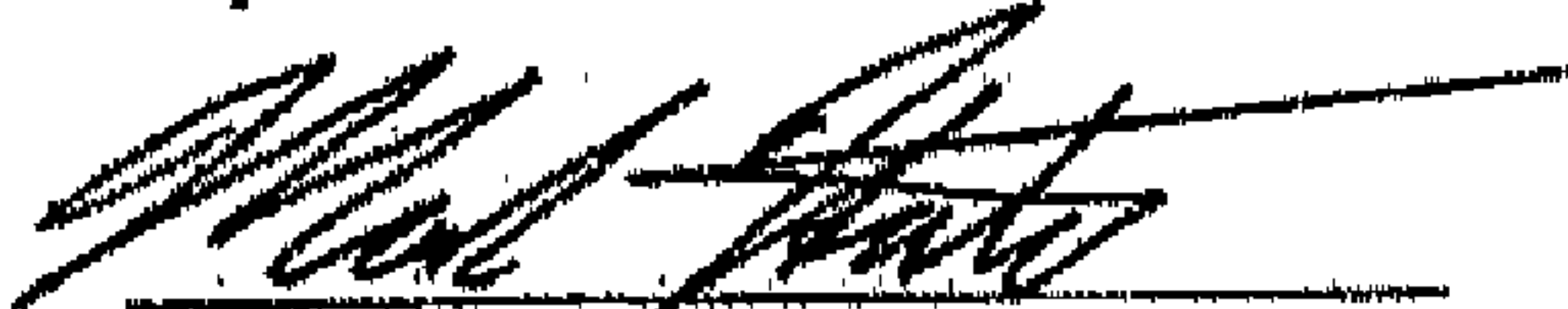
SO ORDERED, this 3<sup>rd</sup> day of May, 2018.

HON. *[Signature]*  
JUDGE, CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA



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Stipulated to and consented to by:



Mark Husted (HUS009)  
 Amanda M. Beckett (BEC029)  
 RUBIN LUBLIN, LLC  
 3145 Avalon Ridge Place Suite 100  
 Peachtree Corners, GA 30071  
 (678) 281-2732 (Telephone)  
 (404) 921-9016 (Facsimile)  
 mhusted@rubinlublin.com  
 abeckett@rubinlublin.com

CONSENTED TO BY:



Avadian Credit Union

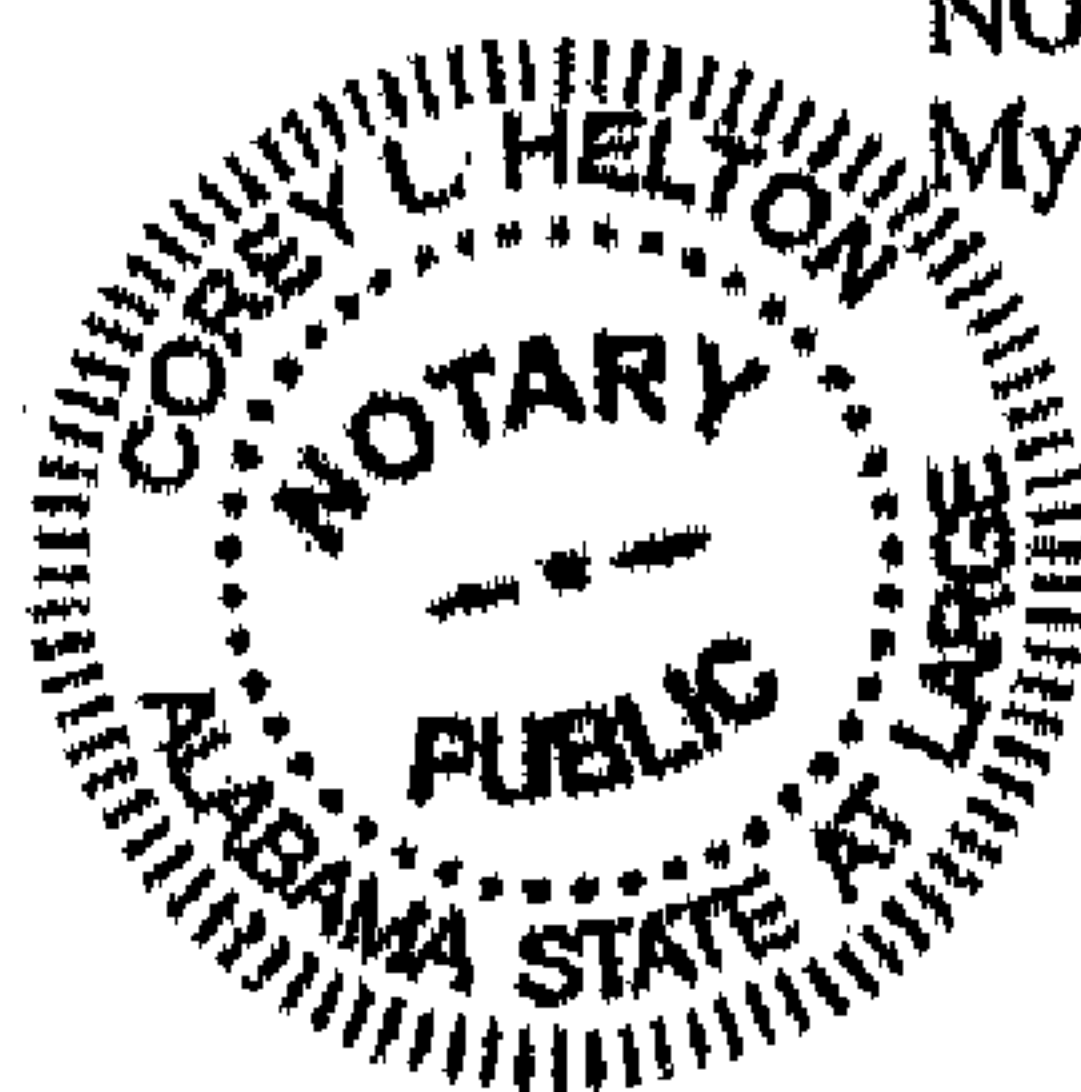
By: Aimee WrightIts: Mortgage Operations Manager

STATE OF Alabama  
 COUNTY OF Madison

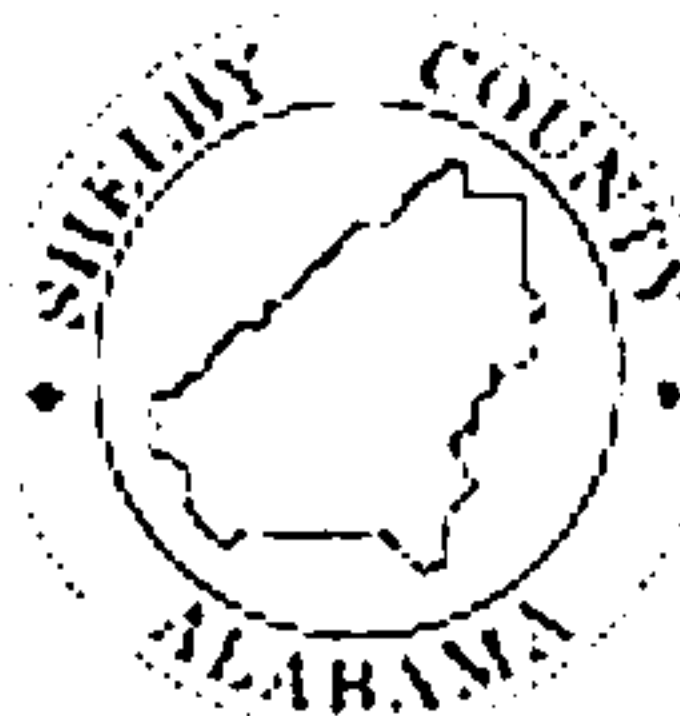
Before me, the undersigned, a Notary Public, in and for the state and County aforesaid, personally appeared, Aimee Wright, on behalf of Avadian Credit Union, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this the 27<sup>th</sup> day of April, 2018.

[SEAL]



Corey L. Helton  
 NOTARY PUBLIC

My Commission Expires: 04/03/2020

Filed and Recorded  
 Official Public Records  
 Judge James W. Fuhrmeister, Probate Judge,  
 County Clerk  
 Shelby County, AL  
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 \$30.00 CHERRY  
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