



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE
CORPORATION

Plaintiff,

v.

THOMAS W. MCMAHON AND KATHEREN J.
MCMAHON

Defendants.

CIVIL ACTION NO. 2018-900642

ORDER

This matter came before this Court on the motion for default judgment of Plaintiff Federal National Mortgage Corporation ("Plaintiff" or "Fannie Mae"). Defendants Katheren J. McMahon and Thomas W. McMahon having been served with Summons and a copy of the Complaint on or about July 27, 2018, but failing to respond or otherwise defend this action;

Plaintiff having filed a Complaint for Reinstatement of Legal Instrument and Declaratory Judgment concerning a parcel of real property that is the subject of the Complaint and which has a physical address of 1402 Moliys Place, Alabaster, Alabama 35007 and more particularly described as follows:

Lot 72, according to the Survey of Scottsdale, Third Addition, as recorded in Map Book 8, Page 123, in the Probate Office of Shelby County, Alabama.

(the "Property") and this Court having considered the same and after determining there exists no reason for delay, this Court determines that Plaintiff is entitled to judgment by default against defendants Thomas W. McMahon and Katheren J. McMahon. It is therefore **ORDERED**, **ADJUDGED** and **DECREED** as follows:

1. That Plaintiff's motion for default judgment against defendants Thomas W. McMahon and Katheren J. McMahon is hereby **GRANTED**;



2. That the mortgage executed by Thomas W. McMahon and Katheren J. McMahon, husband and wife, in the amount of \$141,000.00 in favor of Mortgage Electronic Registration Systems, Inc., as nominee for CitiMortgage, Inc. (the "McMahon Mortgage") which was recorded on or about April 9, 2010, as Instrument Number 20100409000107790 in the Office of the Judge of Probate of Shelby County, Alabama which mortgage was assigned to Federal National Mortgage Association by assignment of mortgage recorded on or about February 6, 2015 as Instrument Number 20150206000040140 in the Office of the Judge of Probate of Shelby County, Alabama is reinstated and remains a valid first position lien against the Property, prior and superior to any other liens and/or judgments against the Property;

3. That the Release of Mortgage executed on or about December 16, 2015, which erroneously released the McMahon Mortgage, and which was recorded on or about December 18, 2015, as Instrument Number 20151218000432090, in the Office of the Judge of Probate of Shelby County, Alabama, is null, void and of no legal effect;

4. That Plaintiff maintains a valid security interest in the Property;

5. 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;

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

7. That costs are taxed as paid.

Done this 3rd day of October, 2018.

Thomas W. McMahon
Circuit Court Judge

Certified a true and correct copy

Date: 10/18/18

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

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Shelby Cnty Judge of Probate, AL
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