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58-CV-2018-900493.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

THE BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW,
Plaintiff,

V.

WANJIKU JACQUELINE N.,
WANJIKU KIMOCU K.,
Defendants.

) Case No.: CV-2018-900493.00

ORDER

This action came before the Court on December 4, 2018 on the motion of Plaintiff for summary judgment pursuant to Alabama Rule of Civil Procedure 56.

Based upon the motion, evidence and pleadings, as well as the fact that there has been no opposition to the motion, IT IS **HEREBY ORDERED** and **ADJUDGED** as follows:

1. This lawsuit concerns that certain real property situated in Shelby County, Alabama, having a street address of 106 Village Lane, Pelham, Alabama 35124 (the "Subject Property") and the following legal description:

Lot 4, according to the Survey of High Ridge Village Phase 1, as recorded in Map Book 27, Page 140, in the Probate Office of Shelby County, Alabama.

2. On March 24, 2006, Rashanda Elise Williams, a single person, conveyed the Subject Property to Defendants Jacqueline N. Wanjiku and Kimochu K. Wanjiku, husband and wife, via warranty deed, which was recorded on March 27, 2006 at Inst. # 20060327000140930 in the Office of the Judge of Probate of Shelby County, Alabama.^[1]


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3. The Subject Property was purchased with a \$137,520.00 loan from EquiFirst Corporation, which loan was secured by a mortgage on the Subject Property in favor of Mortgage Electronic Registration Systems, Inc., as Nominee for Equifirst Corporation. The mortgage was recorded on March 27, 2006 at Inst. # 20060327000140940 (the "Mortgage").

4. On March 13, 2017, the Mortgage was assigned to Plaintiff via assignment of mortgage, recorded on March 20, 2017 at Inst. # 20170320000093230.

5. The Mortgage lists borrowers as Defendants Jacqueline N. Wanjiku and Dominick K. Kimochu, husband and wife. However, there is no statement in the Mortgage that Dominick K. Kimochu is one and the same as Defendant Kimochu K. Wanjiku.

Based upon the foregoing, it is ORDERED, ADJUDGED and DECREED that Defendant Kimochu K. Wanjiku and Dominick K. Kimochu are one and the same person.

[1] All recording references are made to recordings in the Office of the Judge of Probate of Shelby County, Alabama.
Proposed Order. 1393.0089

DONE this 27th day of December, 2018.

/s/ LARA M ALVIS
CIRCUIT JUDGE

Certified a true and correct copy
Date: 01/10/19
Mary H. Morris
Mary H. Morris, Circuit Clerk
Shelby County, Alabama



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