



20190513000161610 1/3 \$24.00
Shelby Cnty Judge of Probate, AL
05/13/2019 03:30:18 PM FILED/CERT

Note to Clerk of Probate Court:
Please Cross Reference to
Mortgage at Instrument 20090909000345830
Assignment at Instrument 20180323000096770

After Recording, Please Return to:
Jennifer J. Panetta
Fidelity National Law Group
4170 Ashford Dunwoody Road
Suite 460
Atlanta, Georgia 30319

**IN THE CIRCUIT COURT OF SHELBY COUNTY
STATE OF ALABAMA**

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

SCOTT B. DONZE and TINA LIBBY,
as the heirs of Fred J. Donze and Louise
Donze,

Defendants.

CIVIL ACTION FILE
NO. 58-CV-2019-900464

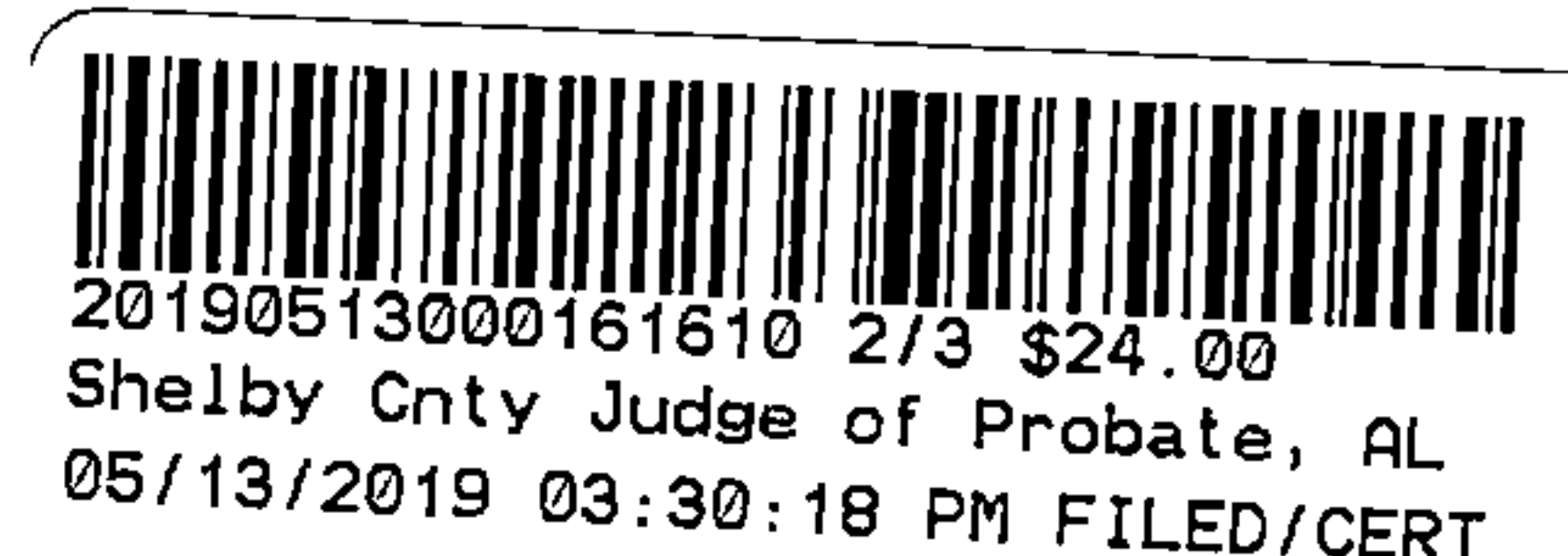
NOTICE OF LIS PENDENS

Notice is hereby given of the filing of a Complaint for Reformation, Declaratory Judgment or, in the Alternative, for Equitable Subrogation or Equitable Lien in the Circuit Court of Shelby County, Alabama on April 30, 2019, involving and affecting title to that certain real properties, and improvements thereon, with the address of 112 Hayesbury Lane, Pelham, Shelby County, Alabama 35124 (the "Property"), according to the present system of numbering in said County and State, and more particularly described as follows:

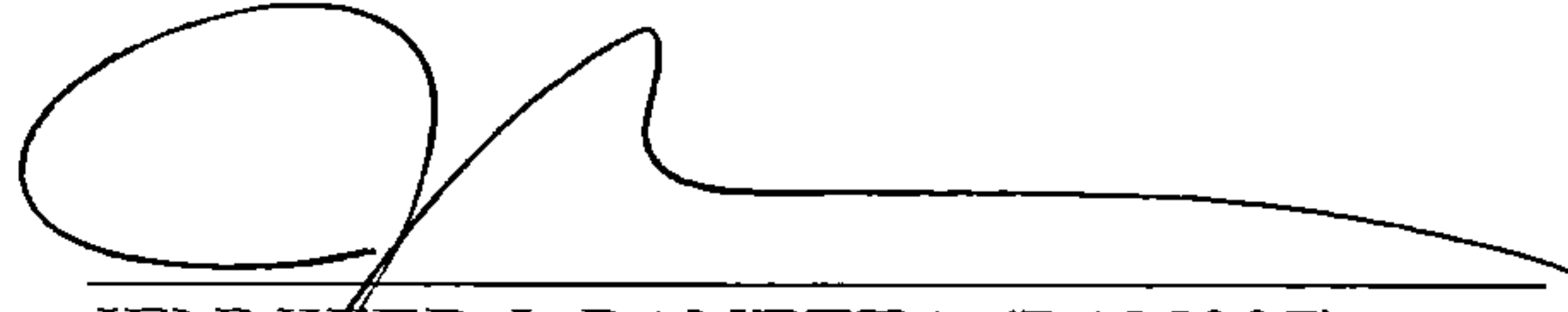
LOT 64, ACCORDING TO THE SURVEY OF FINAL PLAT OF HAYESBURY PHASE 2, AS RECORDED IN MAP BOOK 30, PAGE 104, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

WHEREFORE, Plaintiff prays for an Order from the Court:

- (a) Reforming the Refi Mortgage recorded at Instrument Number 20090909000345830, Shelby County, Alabama probate records, to include Louise Donze and Freddie J. Donze, II, as Grantors thereto;
- (b) Declaring that Plaintiff has a first priority security interest against all the Property by virtue of the Refi Mortgage recorded at Instrument Number 20090909000345830, Shelby County, Alabama probate records;
- (c) Declaring that the Property is fully encumbered in its entirety by the Refi Mortgage and declaring that any interests that the Defendants have in the Property are subordinate and subject to the interests of Plaintiff by virtue of the Refi Mortgage;
OR IN THE ALTERNATIVE;
- (d) Granting to Plaintiff the remedy of equitable subrogation, subrogating the Refi Mortgage to the position and rights previously held by the First Mortgage on the entirety of the Property, including Louise Donze and Freddie J. Donze, II's original two-thirds interest; OR IN THE ALTERNATIVE;
- (e) Imposing an equitable lien in the amount of \$135,000.00 in favor of the Plaintiff and against Louise Donze and Freddie J. Donze, II's original two-thirds interest in Property;
- (f) That the Court instruct the Plaintiff to record a true and correct copy of the Court's Final Order (with appropriate cross-referencing to the deeds affected by this Order) in the Shelby County, Alabama probate records declaring the parties' rights, so that record notice of same is provided; and
- (g) That this Court award such other and further relief as may be just and proper.



FIDELITY NATIONAL LAW GROUP



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