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Shelby Cnty Judge of Probate, AL  
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JPMORGAN CHASE BANK, N.A.,  
RESIDENTIAL FUNDING COMPANY,  
LLC,  
CITIBANK, N.A.,  
Defendants.

Case No.: CV-2020-900342.00

This matter came before the Court on August 25, 2020, on the motion of plaintiff Dale Lowry for entry of default and default judgment (the “Motion”) against defendant Residential Funding Company, LLC (“RFC”). The Court heard oral argument on the Motion and no one appeared on behalf of RFC. After reviewing the Motion, the other pleadings in the case, and the applicable law, given the valid service on RFC and its failure to file a responsive pleading as required under the Alabama Rules of Civil Procedure, this Court finds that the Motion is due to be GRANTED. Accordingly, this Court makes the following findings:

1. On April 16, 2020, Plaintiff filed its Complaint for Declaratory Judgment and Bill to Quiet Title *in Personam* (the “Complaint”), seeking to quiet title to the real property located in Shelby County, Alabama having parcel ID# 09-2-09-0-002-001.045, a street address of 227 Highland Lakes Drive, Birmingham, Alabama 35242, and a legal description of:

Lot 155, according to the Survey of Highland Lakes, 1st Sector, an

Eddleman Community, as recorded in Map Book 18, Page 37 A, B, C, D, E, F & G, in the Probate Office of Shelby County, Alabama.

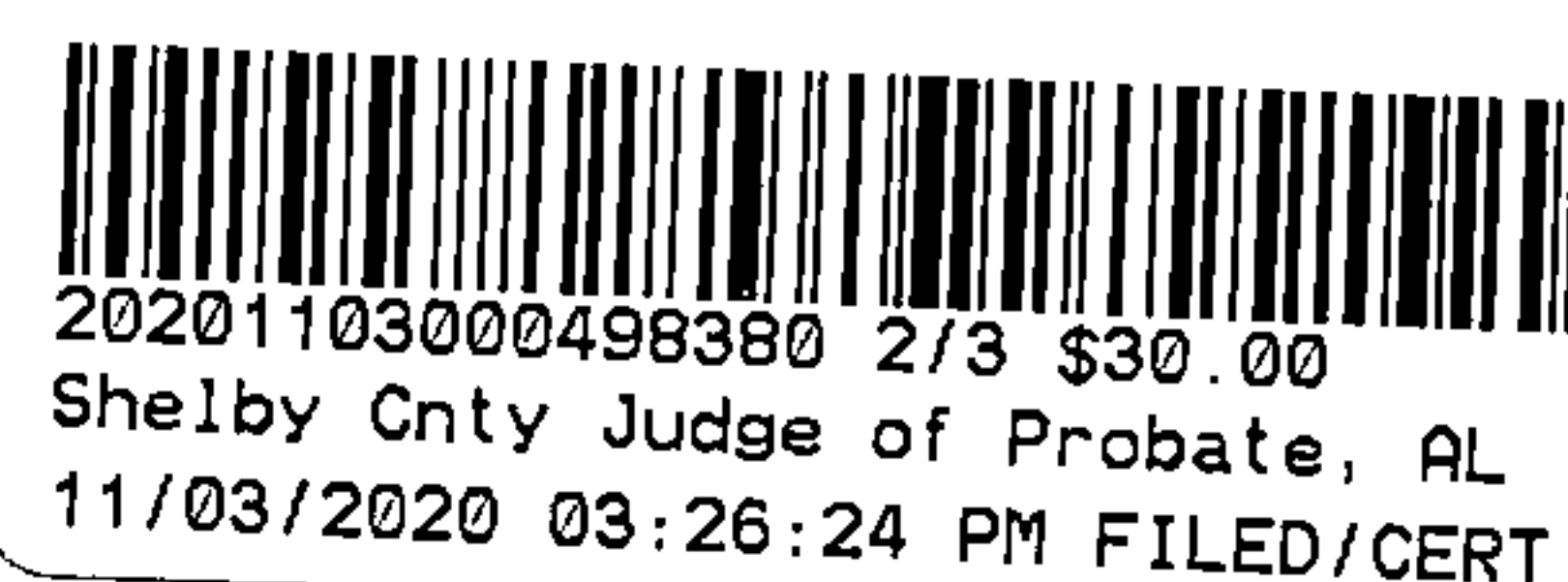
Together with non-exclusive easement to use the private roadways, common area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 1st Sector, recorded in Instrument #1994-07112, in the Probate Office of Shelby County, Alabama (which together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration") – (the "Property").

2. In the Complaint, Plaintiff that RFC is a successor-by-assignment to a recorded mortgage encumbering the Property which secured a debt of \$165,000 and which mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office") as Instrument No. 20060913000453620 on September 13, 2006 ("Mortgage #2" as identified in the Complaint). Mortgage #2 was subsequently assigned to RFC as evidenced by the instrument recorded in the Probate Office at 20130219000069980. In the Complaint, Plaintiff seeks a declaration that there is no debt owing to RFC by Plaintiff and that Mortgage #2 does not encumber the Property.

3. On April 27, 2020 RFC was served properly with the Summons and Complaint via certified mail. More than thirty (30) days have elapsed since RFC was served with the Complaint, and RFC has failed to answer, plead, or otherwise defend against Plaintiff's claims.

4. The relief requested in the Complaint does not include monetary damages against RFC, but seeks to quiet title as against such defendant.

Given the foregoing, this Court finds that (a) there is no debt owing from Plaintiff



to RFC, (b) Mortgage #2 no longer encumbers title to the Property, and (c) Mortgage #2 is due to be and is hereby declared to no longer encumber the Property. **This order does not in any way impact the claims and defenses between Plaintiff and the other defendants.** Rather, this is an *in personam* adjudication declaring relating only to RFC. Pursuant to ARCP 54(b) this Court finds "that there is no just reason for delay" and hereby expressly orders the Circuit Court to enter a default against RFC, and this Order is a final order granting a default judgment against RFC. Upon the execution and entry of this Order, Plaintiff is directed to obtain a certified copy hereof and record same in the Probate Office.

**DONE this 28<sup>th</sup> day of October, 2020.**

**/s/ PATRICK E. KENNEDY**  
**CIRCUIT JUDGE**



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Certified a true and correct copy  
 Date: 11/3/2020

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