



ELECTRONICALLY FILED
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58-CV-2020-900816.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY,

WELLS FARGO BANK, N.A.,
Plaintiff,

V.

MORRIS ROBERT S.,
MORRIS MARY,
Defendants.

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ORDER 1/3

Case No.: CV-2020-900816.00

Order Granting Default

This action came on Plaintiff's motion for default as to Defendant Robert S. Morris and Defendant Mary Morris.

Based upon the above, **IT IS HEREBY ORDERED** and **ADJUDGED** as follows:

1. This lawsuit for equitable relief concerns that real property situated in Shelby County, Alabama having a street address of 2268 Richmond Circle, Pelham, Alabama 35124 (the "Subject Property") and that legal description provided as follows:

Lot 16, according to the Survey of Chanda-Terrace, 5th Sector, as recorded in Map Book 14 page 10, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Mineral and mining rights excepted.

Subject to public utility easements as shown by recorded plat, including a 75 foot Alabama Power Company easement on the rear of subject property.

Subject to restrictions, covenants and conditions as set out in instrument(s) recorded in Real 278 page 227 in Probate Office.

Subject to Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 179 page 375; Deed Book 315 page 207 and Deed Book 306 page 390 in Probate Office.

Subject to Agreement with Alabama Power Company as to underground

20210420000197280 04/20/2021 02:46:25 PM ORDER 2/3

cables recorded in Real 298 Page 933 and covenants pertaining thereto recorded in Real 298 page 895 in Probate Office.

Subject to covenant releasing predecessor in title from any liability arising from sinkholes, limestone formations, soil conditions or any other known or unknown surface or subsurface conditions that may now or hereafter exist or occur or cause damage to subject property, as shown by instrument recorded in Map Book 14 page 10 in Probate Office.

Subject to Agreement between U.S. Pipe and Foundry and Alabama Power Company as set out in Deed Book 264 page 28 in Probate Office.

Tax Parcel I.D. # 13-1-01-2-004-016.000

2. On November 4, 1991, Defendant Robert S. Morris was conveyed the Subject Property by virtue of that deed recorded on November 6, 1991 at Book 372, Page 62 in the Probate Office of Shelby County, Alabama.^[1]

3. On April 13, 2002, Defendant Robert S. Morris and Defendant Mary Morris, husband and wife, obtained a \$113,130.00 loan secured by a mortgage in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for Amerigroup Mortgage Corporation, a Division of Mortgage Investors Corporation, and its successors and assigns. This mortgage was recorded on April 26, 2002 at Instrument #2002-19401 (the "Mortgage").

4. Plaintiff was assigned the Mortgage via that assignment of mortgage dated April 2, 2012 and recorded on April 4, 2012 at Instrument # 20120404000115280.

5. Through inadvertent error, the Mortgage's legal description contains the wrong lot number of the Subject Property (Lot 15 instead of Lot 16), and is in need of correction.

6. Additionally, on p. 3 of the Mortgage, the tax parcel identification number of the Subject Property is listed incorrectly.

7. At the time of the signing of the Mortgage, it was the intention of the parties that the Subject Property be encumbered in its entirety. Through a mutual

20210420000197280 04/20/2021 02:46:25 PM ORDER 3/3

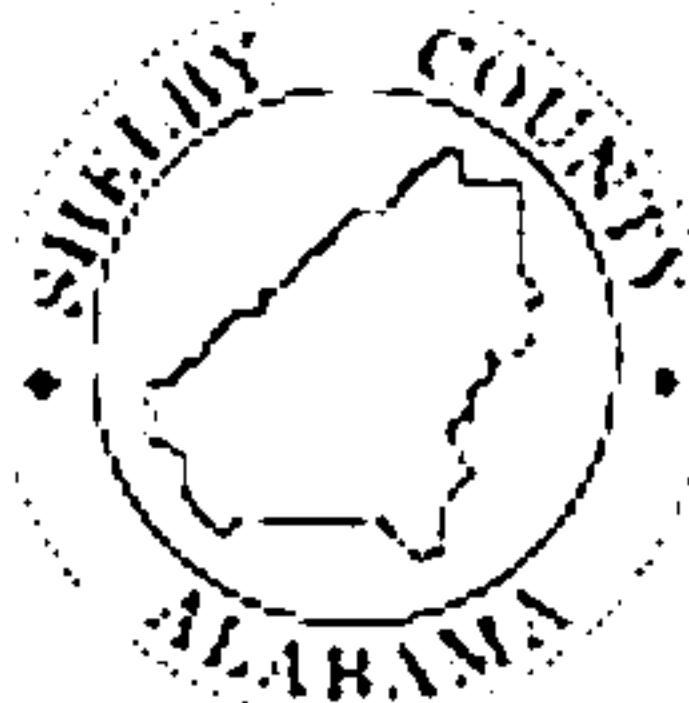
mistake of the parties, the legal description of the Subject Property contained in the Mortgage is incorrect, and the tax parcel identification number of the Subject Property as listed on page 3 of the Mortgage is incorrect.

8. Based upon this mutual mistake, the Mortgage is due to be and is hereby reformed to contain that legal description of the Subject Property contained in paragraph 6 of this Order, as well as the proper tax parcel identification of the Subject Property contained in paragraph 6 of this Order.

[1] All recording references made are to recordings made in the Office of the Judge of Probate of Shelby County.

DONE this 20th day of April, 2021.


PATRICK E. KENNEDY
CIRCUIT JUDGE



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
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