

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In the Matter of:

Mark Anthony Ryan, Jr.

Debtor.

Andre' M. Toffel, Trustee,

Plaintiff (s)

vs.

ROC Funding Group, LLC,

Defendant(s)

Case No. 20-01262-TOM7

AP No. 20-00017

I, Joseph E. Bulgarella, Clerk of the United States Bankruptcy Court for the Northern District of Alabama, do hereby certify that the attached copy of the Judgment (Docket No. 11) and Order on Default Judgment (Docket No. 12) in the case of Andre' M. Toffel, Trustee vs. ROC Funding Group, LLC, AP No. 20-00017 has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Birmingham, Alabama in said District, this 20th day of April 2021.

Dated: April 20, 2021



Joseph E. Bulgarella, Clerk
United States Bankruptcy Court

RS
By: Randy Harless
Deputy Clerk

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Shelby Cnty Judge of Probate, AL
04/22/2021 02:50:55 PM FILED/CERT

| | | |
|---------------------------|---|---------------------------|
| IN RE: |) | |
| |) | |
| MARK ANTHONY RYAN, JR., |) | BANKRUPTCY CASE NO: |
| |) | 20-01262-TOM-7 |
| Debtor. |) | |
| |) | |
| ANDRE M. TOFFEL, TRUSTEE, |) | |
| |) | |
| Plaintiff. |) | |
| |) | ADVERSARY PROCEEDING NO.: |
| vs. |) | 20-00017 |
| |) | |
| ROC FUNDING GROUP, LLC, |) | |
| |) | |
| Defendant. |) | |

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FACTS

1. There is a certain mortgage from Mark Anthony Ryan, Jr. (debtor in this case), to ROC Funding Group, LLC, dated August 22, 2019 and attached to the Complaint in this matter as Exhibit B ("Mortgage").
2. The Mortgage was recorded as Instrument #20190906000329940 in the Probate Court of Shelby County, Alabama on September 6, 2019.
3. At the time of the execution of the Mortgage and the time of the filing of the Mortgage as outlined above, the debtor, Mark Anthony Ryan, Jr., was married to Charlene A. Ryan.
4. At all times between the time prior to and subsequent to the signing and filing of the Mortgage as outlined above, the property described in the Mortgage ("Property") was the homestead of Mark Anthony Ryan, Jr., and Charlene A. Ryan.
5. Charlene A. Ryan did not execute acquiesce or otherwise consent to the Mortgage.

CONCLUSIONS OF LAW

1. Pursuant to Code of Alabama 6-10-3 the Mortgage is void as being on the homestead and not being assented to or signed by the spouse of the debtor. The Mortgage being on the homestead of Mark A. Ryan, Jr., and Charlene A. Ryan.
2. As a matter of law, based upon the above, the Mortgage is void and is of no effect.
3. An order consistent with this judgment shall be entered simultaneously by this Court.

Dated: November 6, 2020

/s/ Tamara O. Mitchell
TAMARA O. MITCHELL
United States Bankruptcy Judge

This order prepared by:
William Dennis Schilling
205-328-0464



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Shelby Cnty Judge of Probate, AL
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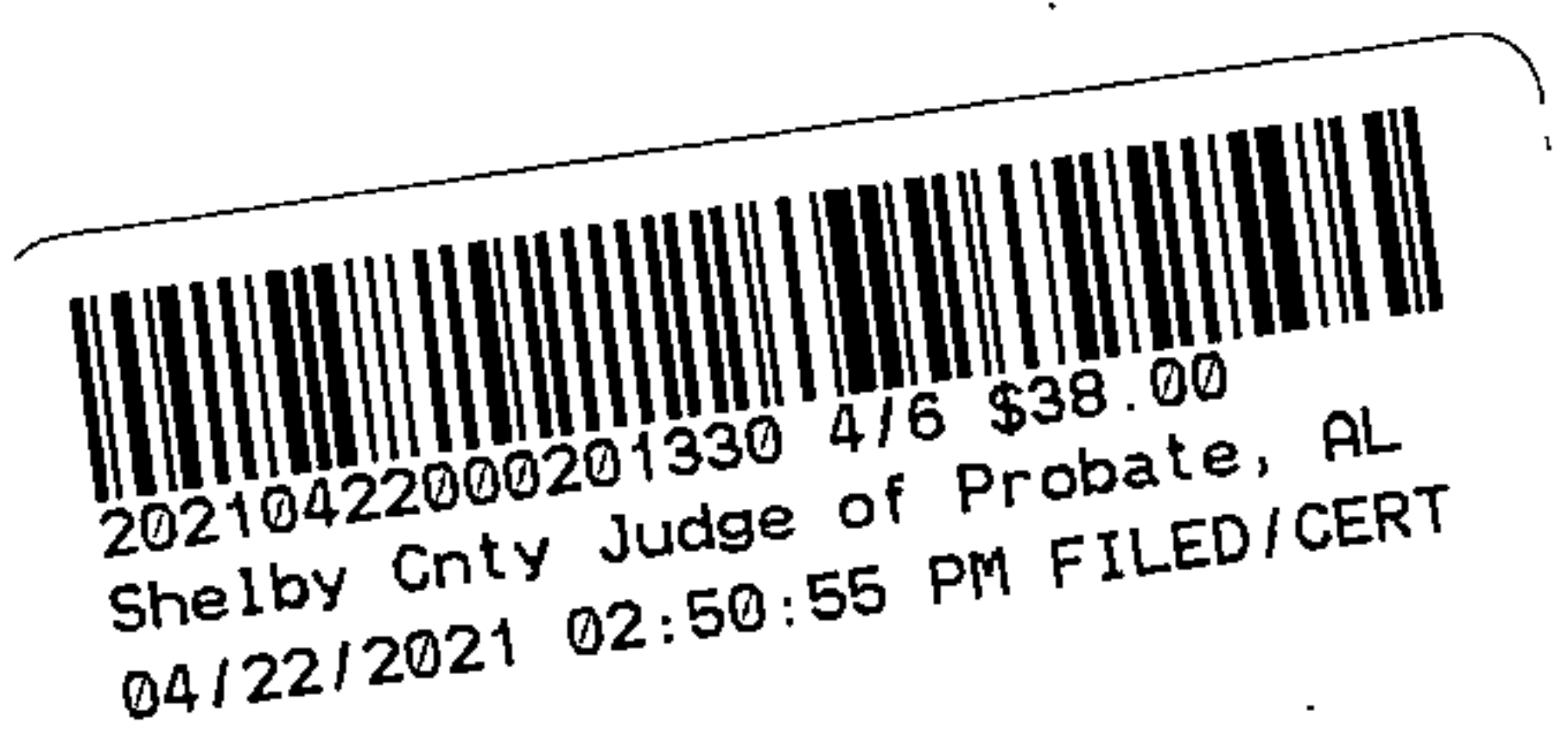
| | | |
|-----|--------------------------|--------------------------------|
| ba | J. Thomas Corbett | jtom_corbett@alnb.uscourts.gov |
| aty | William Dennis Schilling | schillinglawoffice@gmail.com |

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):

| | | | |
|-----|-----------------------------|-------------------------------------|-------------------------|
| pla | Andre M. Toffel, as Trustee | 450A Century Park South, Suite 206A | Birmingham, AL 35226 |
| dft | ROC Funding Group, LLC | 260 Christopher Lane | Staten Island, NY 10314 |

TOTAL: 2



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|---------------------------|---|---------------------------|
| IN RE: |) | |
| |) | BANKRUPTCY CASE NO: |
| MARK ANTHONY RYAN, JR., |) | 20-01262-TOM-7 |
| |) | |
| Debtor. |) | |
| |) | |
| ANDRE M. TOFFEL, TRUSTEE, |) | |
| |) | |
| Plaintiff. |) | |
| |) | ADVERSARY PROCEEDING NO.: |
| vs. |) | 20-00017 |
| |) | |
| ROC FUNDING GROUP, LLC, |) | |
| |) | |
| Defendant. |) | |

ORDER ON DEFAULT JUDGMENT

This matter came before the Court on the Motion for Default Judgment (Docket #10) filed by the plaintiff, André M. Toffel, Trustee.

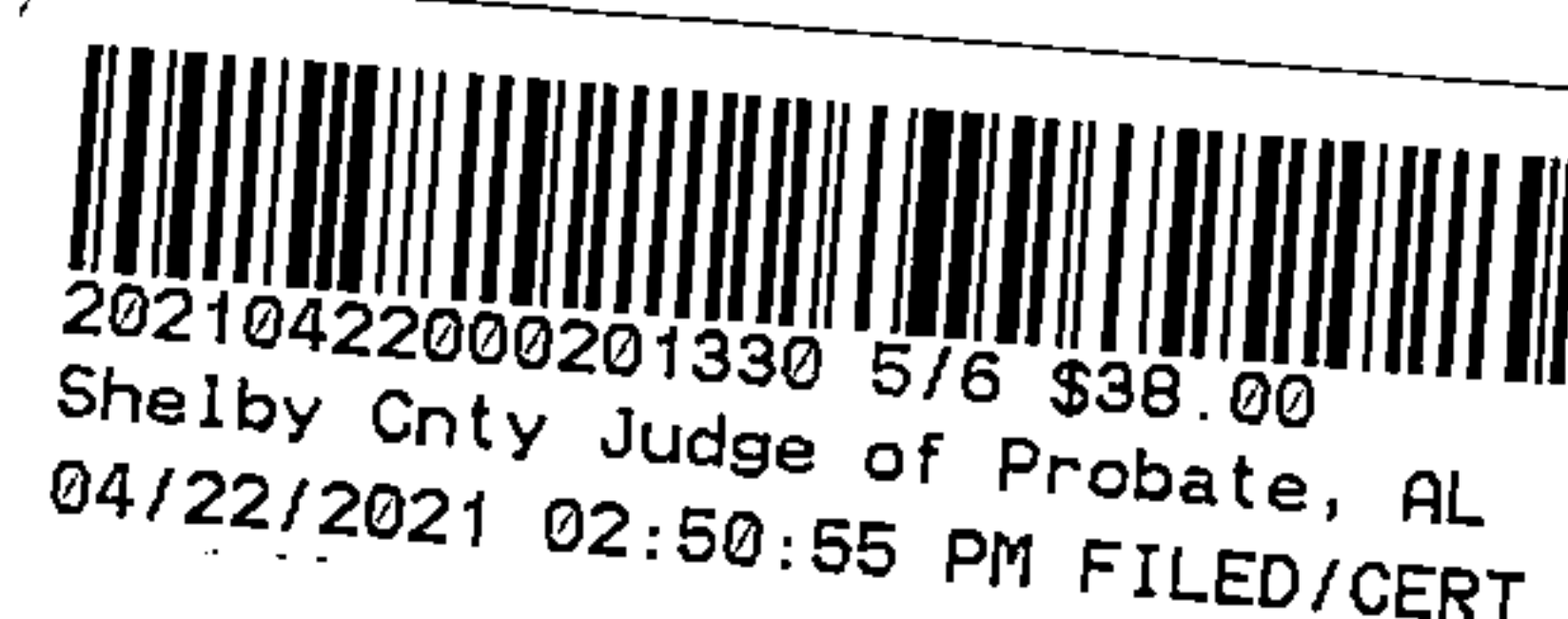
This Court, simultaneously with the entry of this order, has entered a separate judgment given the rationale, reasons and facts for why this order is entered.

Accordingly, based on the file and the judgment entered simultaneously herewith, it is ORDERED, ADJUDGED AND DECREED, that the certain mortgage signed by Mark Anthony Ryan, Jr., in favor of ROC Funding Group and recorded in Instrument #20190906000329940 of Shelby County, Alabama is hereby voided and of no effect.

Dated: November 6, 2020

/s/ Tamara O. Mitchell
TAMARA O. MITCHELL
United States Bankruptcy Judge

This order prepared by:
William Dennis Schilling
205-328-0464



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