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4/30/2019 4:29 PM  
58-CV-2018-901091.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

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

KRAMER ROSALEA,  
Plaintiff,

V.

NATIONSTAR MORTGAGE, LLC,  
CITICORP MORTGAGE,  
Defendants.

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) Case No.: CV-2018-901091.00  
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Shelby Cnty Judge of Probate, AL  
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**CONSENT ORDER RESCINDING THE FORECLOSURE SALE, REINSTATING THE MORTGAGE, AND DISMISSING THIS ACTION**

This matter has come before the Court on the Parties' Joint Motion to Rescind Foreclosure Sale, Reinstate Mortgage, and Dismiss this Action. After considering the information and representation of the Parties, it is the conclusion of this Court that the foreclosure evidenced by the Foreclosure Deed described herein is due to be held void *ab initio*, that the Mortgage described herein is due to be reinstated, and that this action is due to be dismissed with prejudice.

This Court therefore **ORDERS, ADJUDGES, AND DECREES** that:

1. The mortgage foreclosure sale evidenced by that certain foreclosure deed recorded in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Court") in Instrument Number 2018102000380630 on October 26, 2018 (the "Foreclosure Deed"), and for the real estate commonly known as the property located at 30 Fulton Springs Lane, Alabaster, Alabama 35007, and more particularly described as follows:

A PARCEL OF LAND LYING IN THE NW 1/4; NE 1/4; SECTION 13;  
TOWNSHIP 21 SOUTH; RANGE 3 WEST, AND MORE PARTICULARLY  
DESCRIBED AS FOLLOWS: STARTING AT THE NE CORNER OF THE



SAID NW 1/4; NE 1/4; SECTION 13, TOWNSHIP 21 SOUTH; RANGE 3 WEST, RUN SOUTH 84 DEGREES 30 MINUTES WEST A DISTANCE OF 178.18 FEET TO AN IRON MARKER ON THE NORTHWEST RIGHT OF WAY LINE OF THE ELLIOTTSVILLE-SAGINAW ROAD BY A STREAM AT THE NE END OF THE STONE BRIDGE. THENCE TURN AN ANGLE OF 59 DEGREES 12 MINUTES TO THE LEFT AND RUN SOUTHWESTERLY A DISTANCE OF 240.00 FEET TO AN IRON MARKER ON THE SE RIGHT OF WAY LINE OF THE SAID ELLIOTTSVILLE-SAGINAW ROAD, NEAR THE BANK OF A STREAM. THENCE TURN AN ANGLE OF 60 DEGREES 13 MINUTES TO THE LEFT AND RUN SOUTHEASTERLY A DISTANCE OF 6402 FEET TO AN IRON MARKER, THE POINT OF BEGINNING. THEN TURN AN ANGLE OF 44 DEGREES 16 MINUTES TO THE RIGHT AND RUN SOUTHWESTERLY A DISTANCE OF 90.1 FEET TO AN IRON MARKER. THENCE TURN AN ANGLE OF 8 DEGREES 14 MINUTES TO THE LEFT AND TURN SOUTHERLY A DISTANCE OF 181.1 FEET TO AN IRON MARKER. THENCE TURN AN ANGLE OF 72 DEGREES 01 MINUTES TO THE LEFT AND RUN SOUTHEASTERLY A DISTANCE OF 76.1 FEET TO AN IRON MARKER. THENCE TURN AN ANGLE OF 107 DEGREES 34 MINUTES TO THE LEFT AND RUN NORTHEASTERLY ALONG THE PROPERTY LINE, A DISTANCE OF 240.0 FEET TO AN IRON MARKER BY A ROAD. THENCE TURN AN ANGLE OF 48 DEGREES 52 MINUTES TO THE LEFT AND RUN NORTHWESTERLY A DISTANCE OF 81.6 FEET TO A POINT OF BEGINNING. SAID PARCEL OF LAND LIES IN THE SAID NW 1/4 NE 1/4; SECTION 13, TOWNSHIP 21 SOUTH; RANGE 3 WEST. THERE ARE TO BE NO WELLS RUINED OR DUG ON THE ABOVE PROPERTY.

subject to all easements, restrictions, reservations, provisions, covenants, building set-back lines and rights of way of record (the "Property"), is **VOID AB INITIO**.

2. The Mortgage dated December 10, 2002 and executed by Rosalea Kramer, a single woman, in favor of ABN Amro Mortgage Group, Inc., and recorded in the Probate Court on January 2, 2003 in Instrument Number 20030102000001530 (the "Mortgage"), as subsequently assigned to Nationstar Mortgage LLC on August 14, 2018, as recorded in the Probate Court on August 21, 2018 in Instrument Number 20180821000299850, is hereby **REINSTATED** and constitutes an existing, valid **first position mortgage in full force and effect on the Property** commonly known as the property located at 30 Fulton Springs Lane, Alabaster, Alabama 35007, and more



particularly described above.

3. As all other claims in this Action have been settled by the Parties, this Action is completely and finally disposed of, and all claims are **DISMISSED with prejudice, in accordance with this Order.**

This Order may be recorded in the Probate Court, to give notice that: (1) the mortgage foreclosure sale evidenced by the Foreclosure Deed is void *ab initio*, (2) the Foreclosure Deed did not convey title to the Property, and (3) the Mortgage is reinstated and constitutes a valid first position mortgage on the Property.

**DONE this 30<sup>th</sup> day of April, 2019.**

**/s/ LARA M ALVIS**  
**CIRCUIT JUDGE**