



ELECTRONICALLY FILED  
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58-CV-2023-900138.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

PENNYMAC LOAN SERVICES, LLC, )  
Plaintiff, )  
 )  
V. ) Case No.: CV-2023-900138.00  
 )  
BASSETT DAVID H., )  
BASSETT KIMBERLY Y., )  
Defendants. )

DEFAULT JUDGMENT

WHEREAS, the Motion for Default Judgment against Defendants David H. Bassett (Mr. Bassett) and Kimberly Y. Bassett (“Ms. Bassett” and together with Mr. Bassett, the “Defendants”), filed by PennyMac Loan Services, LLC (“PennyMac” or “Plaintiff”), having come before this court and, after considering said motion and the pleadings and documents of record, the court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

WHEREAS, this action involves real property and the improvements thereon known as 273 Jasmine Drive, Alabaster, Alabama, 35007, being Tax Parcel No. 23 5 15 0 004 068.000 (the “Property”), particularly described as follows:

LOT 68, ACCORDING TO THE SURVEY OF THE MEADOWS, PLAT 2, AS RECORDED IN MAP BOOK 20, PAGE 17 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA;

WHEREAS, on November 30, 1995, the Property was conveyed from James D. Mason d/b/a Mason Construction to Mr. Bassett and Ms. Bassett via a warranty deed (the “Warranty Deed”) recorded December 5, 1995, at Inst. No. 1995-34801, in the real property records of the Office of the Probate Judge of Shelby County, Alabama (the “Real Property Records”);

WHEREAS, on July 18, 2013, Mr. Bassett and Ms. Bassett obtained a loan in the

## DOCUMENT 15

original principal amount of Ninety-Seven Thousand Four Hundred Seventy-One and 00/100 Dollars (\$97,471.00) from PennyMac (the “Loan”). To evidence repayment of the Loan, Mr. Bassett and Ms. Bassett executed a promissory note in favor of PennyMac;

WHEREAS, also on July 18, 2013, Mr. Bassett and Ms. Bassett executed a Mortgage encumbering the Property (the “Mortgage”) to Mortgage Electronic Registration Systems, Inc. (“MERS”) as the nominee for PennyMac, recorded July 31, 2013, as Instrument No. 2013731000311540 in Real Property Records;

WHEREAS, on September 7, 2022, without the Loan being paid in full, MERS as nominee for PennyMac mistakenly executed a Corporate Cancellation and Release (the “Mistaken Release”), purporting to release the Mortgage, recorded September 7, 2022, as Instrument No. 20220907000348870, in the Real Property Records;

WHEREAS, on September 23, 2022, MERS executed an Affidavit of Mistaken Release, stating that the Mistaken Release was recorded in error and that the Mortgage remains open and unpaid (the “Affidavit”). The Affidavit was recorded October 5, 2022, as Instrument No. 20221005000380900, in the Real Property Records;

WHEREAS, on February 16, 2023, the Mortgage was assigned to PennyMac pursuant to an Assignment of Mortgage, recorded February 23, 2023, at Instrument No. 20230223000048660, in the Real Property Records (the “Assignment”);

WHEREAS, as stated in the Affidavit, the Loan remains unpaid, and the Mortgage is open of record;

WHEREAS, it is necessary and proper that the rights and status among the parties hereto be declared as follows: (a) that the Mistaken Release recorded in error is void; and (b) that the Mortgage is a valid, enforceable, first priority security interest against the Property;

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WHEREAS, Mr. Bassett and Ms. Bassett have failed to file answers or otherwise respond.

**CONCLUSIONS OF LAW**

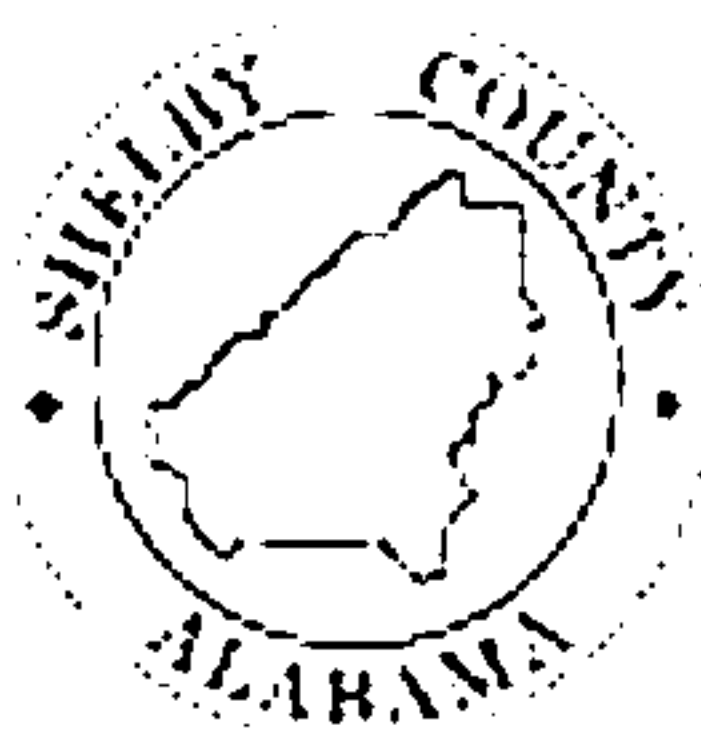
By virtue of failing to answer the Plaintiff's Complaint within thirty (30) days of service being perfected, Defendants David H. Bassett and Kimberly Y. Bassett are hereby in default as a matter of law, and the Plaintiff is entitled to judgment in its favor.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

- A. That the Mistaken Release, recorded as Instrument No. 20220907000348870, in the Shelby County, Alabama Probate records, is hereby declared void;
- B. That the Mortgage, recorded as Instrument No. 2013731000311540, in the Shelby County, Alabama Probate records, is hereby declared a valid, enforceable, first priority lien on the Property.

**DONE this 4<sup>th</sup> day of May, 2023.**

**/s/ WILLIAM H. BOSTICK, III**  
**CIRCUIT JUDGE**



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
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*Allie S. Boyd*