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Dav. Co. Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2004-33, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-33

Petitioner,

vs.

TIMOTHY R. RICHARD, SR. A/K/A TIMOTHY R. RICHARD

Respondent,

FU4

Case No. 14-1232-I

FILED
2015 JAN 30 PM 2:12
DAVIDSON CO. CHANCERY CT.

BILL GARRETT, Davidson County
Trans:T20150012531 ORDER
Recvd: 02/20/15 10:36 3 pgs
Fees:17.00 Taxes:0.00
20150220-0014746

ORDER GRANTING DEFAULT JUDGMENT AS TO RESPONDENT TIMOTHY R. RICHARD, SR. A/K/A TIMOTHY R. RICHARD AND SETTING ASIDE FORECLOSURE SALE REGARDING REAL PROPERTY LOCATED AT 771 MADISON BOULEVARD, MADISON, TN 37115

THIS CAUSE was set to be heard on Friday, ~~November 14, 2014,~~ January 16, 2015 upon the Motion for Default filed by the Petitioner, The Bank of New York Mellon FKA The Bank of New York, as Trustee for the benefit of the certificateholders of the CWALT, Inc., Alternative Loan Trust 2004-33, Mortgage Pass-Through Certificates, Series 2004-33.

IT APPEARING TO THE COURT that no response was filed in opposition to the Motion for Default.

IT FURTHER APPEARING TO THE COURT the Petitioner filed a Petition to Set Aside Foreclosure on August 21, 2014.

IT FURTHER APPEARING TO THE COURT that the Respondent, Timothy R. Richard, Sr. A/K/A/ Timothy R. Richard, was served with said Complaint on August 25, 2014.

The Plaintiff's Counsel States that Mr. Richard is making payments.

IT FURTHER APPEARING TO THE COURT that the Respondent has failed to plead or otherwise defend as provided by the Tennessee Rules of Civil Procedure, and that the Petitioner is entitled to a Default Judgment.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That a Default Judgment be and is hereby entered in favor of The Bank Of New York Mellon FKA The Bank Of New York, as Trustee for the benefit of the certificateholders of the CWALT, Inc., Alternative Loan Trust 2004-33, Mortgage Pass-Through Certificates, Series 2004-33.

2. That the foreclosure sale held, and memorialized under Instrument No. 20140505-0038153, recorded at the Davidson County Register's Office is rescinded and the Deed of Trust recorded at the Davidson County Register's Office under Instrument No. 20040930-0117569 reinstated in its former priority.

3. Petitioner shall be allowed to record this order with the Davidson County Register of Deeds.

4. Costs to be adjudged against the Petitioner.

CHANCELLOR

Date: _____

APPROVED BY:

Bonnie Culp #014741
Sharon Fewell #19193
Attorneys for Petitioner
Shapiro & Ingle, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
Fax (901)761-5690

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 20 DAY OF Feb 2015
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

CERTIFICATE OF SERVICE

I certify that a copy of this Order Granting Default Judgment as To Respondent Timothy R. Richard, Sr. A/K/A Timothy R. Richard and Setting Aside Foreclosure Sale Regarding Real Property Located at 771 MADISON BOULEVARD, MADISON, TN 37115 was mailed by first class U.S. mail, postage prepaid, to the following this 22nd day of January 2015:

Timothy R. Richard, Sr. A/K/A
Timothy R. Richard
771 Madison Boulevard
Madison, TN 37115

Bonnie Culp

Bonnie Culp #014741

MAILED
1/30/15