

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JP MORGAN CHASE BANK, N.A.,)	
Plaintiff,)	
v.)	CIVIL ACTION NO. 11-00263-KD-M
)	
KATHERINE B. SUREK, et al.,)	
Defendants.)	

JUDGMENT AND DECREE OF FORECLOSURE

This matter comes before the Court after application for default and upon motion for default judgment by Plaintiff JPMorgan Chase Bank, N.A. (“Chase”) against Katherine B. Surek (“Defendant”). A default and default judgment has previously been entered against Katherine B. Surek (Docs. 15, 21). The Court has heretofore entered a money judgment in favor of Chase against Katherine B. Surek in the amount of \$314,912.83 (Doc. 21). The case remains pending as to Plaintiff’s request for a Judgment of Foreclosure. After due consideration of Plaintiff’s motion and the other material contained in the record, the Court finds that a Judgment of Foreclosure is due to be entered, and therefore orders as follows:

1. The Court incorporates its findings regarding the merits of Plaintiff’s claims included at pp. 4-6 of the Court’s prior Order of November 3, 2011 (Doc. 21). Specifically, the Court has determined that “plaintiff has a valid and enforceable mortgage lien, which by its express terms, is subject to being judicially foreclosed, and by virtue of same, plaintiff is entitled to exercise its contractual right to obtain a foreclosure of the mortgaged property” (Doc. 21 at p. 6).

2. Judgment is granted to Plaintiff to foreclose its mortgage on the property made the basis of this action, located at 7494 Dairy Road, Fairhope, Alabama, 36532, and more particularly described in the complaint in this cause. The United States Marshal’s Office shall

publish the attached Notice of Sale in *The Mobile Register* for four (4) consecutive weeks and conduct the sale in accordance with the terms of the Notice of Sale, the terms of which are incorporated by reference. The U.S. Marshal's Office shall deliver a foreclosure deed to the successful bidder upon payment of the bid price and delivery of same in certified funds payable to the Clerk of Court. Plaintiff is responsible for payment of the expenses associated with the foreclosure sale. If Plaintiff is the successful bidder, Plaintiff's bid price shall constitute a credit against the money judgment heretofore entered against Katherine B. Surek in the Court's Order of November 3, 2011, and the U.S. Marshal's Office shall deliver a foreclosure deed to Plaintiff.

3. A copy of this Judgment and Decree of Foreclosure shall be recorded in the land records of the Office of the Judge of Probate of Baldwin County, Alabama.

DONE and ORDERED this the 7th day of **February 2012**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE