

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**TOMMY FOSHEE and
PAMELA FOSHEE**

PLAINTIFFS

v.

No. 3:12-cv-325-DPM

LPP MORTGAGE LTD.

DEFENDANT

**STIPULATED ORDER DECLARING FORECLOSURE SALE AND
MORTGAGEE'S DEED NULL AND VOID, AND REVIVING AND
REINSTATING MORTGAGE**

The Plaintiffs, Tommy and Pamela Foshee, and Defendant LPP Mortgage Ltd. ("LPP") agree:

1. The foreclosure sale of the property located at 324 West School Street, Brookland, Craighead County, Arkansas 72417 and more particularly described below (the "Property"), conducted on July 12, 2011 by Shapiro & Kirsch, LLP, as attorney-in-fact for LPP, is declared by the Court to be null and void *ab initio*, having no legal force or effect whatsoever:

A Part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 15 North, Range 5 East, More Particularly described as follows; Beginning at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 20, Thence South 89 deg., 35 min., East 170 feet; Thence North 230 feet to the point of beginning proper; Thence South 89 deg., 35 min., East 229 feet; Thence South 38 feet; Thence North 89 deg., 57

min., East 119.5 feet; Thence North 0 deg., 20 min., East 224.0 feet; Thence North 85 deg., 13 min., West 287.0 feet; Thence South 21 deg., 54 min. West 163.7 feet; Thence South 3 deg., 07 min., West 56.4 feet to the point of beginning proper. Together with an easement for the purpose of ingress and egress over and across the following; The East 40 feet of the West 170 feet of the South 230 feet of the Southwest Quarter of the Southwest Quarter of Section 20; Thence South 89 deg., 35 min., East 170 feet; Thence North 230 feet; Thence West 37.3 feet; Thence North 0 deg., 35 min., East 56 feet to the point of beginning proper; Thence South 0 deg., 35 min., West 56 feet; Thence North 3 deg., 07 min., East 56.4 feet, thence Westerly to the point of beginning proper.

2. The Mortgagee's Deed recorded in the real estate records of the Craighead County Circuit Clerk's office on August 4, 2011 as Document No. JB2011R-011902 conveying the Property to LPP is declared by the Court to be null and void *ab initio*, having no legal force or effect whatsoever.

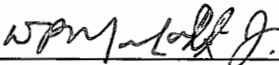
3. Title in and to the Property is vested in and with Tommy Foshee and Pamela Foshee, husband and wife, as if the foreclosure sale never occurred.

4. The Mortgage dated May 1, 2008, in favor of Southern Trust Mortgage Co., Inc., recorded in the real estate records of the Craighead County Circuit Clerk's office on June 9, 2008 at Mortgage Book 1352, Pages 799-814, rerecorded on December 12, 2008, at Mortgage Book 1383, Pages 785-802, and assigned to LPP by an Assignment of Mortgage dated March 24, 2010

and recorded in the real estate records of the Craighead County Circuit Clerk's office on April 19, 2010, at Mortgage Book 1460, Pages 550-551, is revived, reinstated, and effective as if no foreclosure sale had occurred. All terms and provisions of the Mortgage are revived, reinstated, and remain in effect as if the foreclosure sale and Mortgagee's Deed never occurred.

5. All claims asserted by Plaintiffs in this action and not addressed in this Order are dismissed with prejudice. Each party will bear its own costs.

So Ordered.



D.P. Marshall Jr.
United States District Judge

20 February 2014