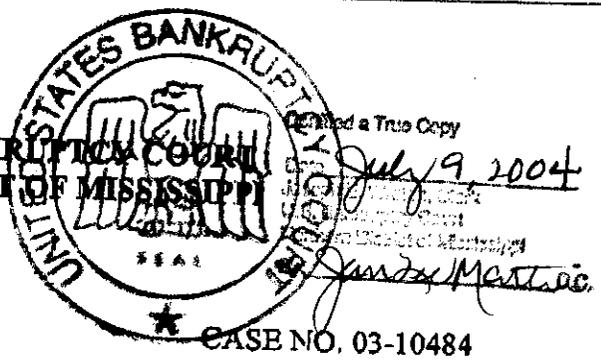


IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI



CASE NO. 03-10484

IN RE:  
DONALD W. SULLIVAN &  
WINDY B. SULLIVAN, DEBTORS

DONALD W. SULLIVAN & WINDY B. SULLIVAN

PLAINTIFFS

VS.

ADVERSARY NO: 03-01096

UNION PLANTERS BANK, N.A.

DEFENDANT

**AGREED ORDER**

THIS CAUSE came on to be heard on the Complaint to Set Aside Substitute Trustee's Deed filed by DEBTORS, and the Court being advised that all parties have reached an agreement concerning the issues of said Complaint and being fully advised in the premises finds as follows:

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Substitute Trustee's Deed dated August 15, 2002, and recorded in the office of the Chancery Clerk in Book 427 at Page 122, is hereby set aside and the Deed of Trust recorded in Book 1298 at Page 18 shall be revived and shall remain as a good and valid lien against the hereinafter described subject property and between the parties thereto. Debtors and Union Planters Bank, N.A. shall execute any and all instruments necessary to effectuate this Agreed Order. A certified copy of this Agreed Order shall be recorded in the office of the Chancery Clerk of DeSoto County, Mississippi and indexed against the hereinafter described property, to-wit:

Lot 7-A, First Revision, Section "A", A.E. ALLISON SUBDIVISION, in Section 20, Township 2 South, Range 6 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 38, Page 50, in the office of the Chancery Clerk of DeSoto County, Mississippi.

Indexed in: Lot 7-A, First Revision, Section "A", A.E. ALLISON SUBDIVISION, in Section 20, Township 2 South, Range 6 West, DeSoto County, Mississippi

*J. Martin*  
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IT IS, FURTHER, ORDERED AND ADJUDGED that the following, to-wit:

1. Debtors shall pay the mortgage arrearage due through October 2002 over the life of the Debtors' Plan plus all foreclosure, bankruptcy, & eviction attorney fees; foreclosure fees; foreclosure costs; and eviction costs. Union Planters Bank, N.A. shall have twenty (20) days after entry of this order to file its Proof of Claim;
2. Debtors shall pay directly to Union Planters Bank, N.A. their post petition mortgage payment beginning with the February 2004 payment;
3. All funds held by the Circuit Clerk of DeSoto County, Mississippi in County Court case no: 2002-0999 through January 2004 shall be released to Union Planters Bank, N.A., 1900 Charles Bryan Road AX2, Cordova, TN 38016 to pay the post petition mortgage payments due from November 2002 through January 2004. Upon release of the funds held, the Circuit Clerk of DeSoto County, Mississippi shall be released from any liability concerning said funds. In the event that there remains a delinquency, after the release of the funds held by said Circuit Clerk, Debtors shall have until February 10, 2004, to cure this delinquency by paying said sum due directly to Union Planters Bank, N.A.; and
4. Union Planters Bank, N.A. shall dismiss with prejudice its Complaint for Unlawful Entry and Detainer filed in the County Court of DeSoto County, MS, Case no: 2002-0999.

IT IS FURTHER ORDERED AND ADJUDGED that the Automatic Stay shall be lifted without further order of this Court upon the failure of the Debtors to pay any of the post petition monthly mortgage payments as and when it becomes due and said delinquency continues for more than thirty days thereafter. At the end of said thirty day period Plaintiff shall give Debtors, Debtors' Attorney and Trustee a 10 day Notice of

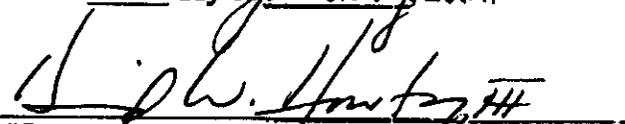
Default, during which time Debtors may reinstate by paying to Plaintiff all of the post-petition arrearage. In the event that the Automatic Stay is lifted, the entry of this order shall constitute the entry of a final judgment pursuant to Bankruptcy Rule 9021 and Rule 53 of the Federal Rules of Civil Procedure and shall be applicable to any subsequent case filed by the Debtors under the Bankruptcy Code or conversion of this case to any other Chapter under the Bankruptcy Code.

IT IS FURTHER ORDERED AND ADJUDGED that if the total arrearage and costs are not paid by the date in the 10 day Notice of Default, then the Automatic Stay provided for in 11 U.S.C. 362 shall be modified without further order of this Court to allow UNION PLANTERS BANK, N.A. to pursue all remedies available to it under the terms and conditions of said Deed of Trust, and applicable state law including initiation of foreclosure proceedings the hereinabove described and being subject to that Deed of Trust recorded in the office of the DeSoto County Chancery Clerk's office in Deed of Trust Book 1298 at Page 0018.

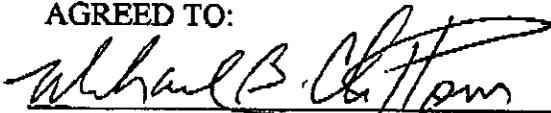
IT IS FURTHER ORDERED AND ADJUDGED that the Debtors shall be barred from filing for relief under any Chapter of the Bankruptcy Code for a period of 180 days from the date of the any dismissal of this case.

IT IS FURTHER ORDERED AND ADJUDGED that Rule 4001(a)(3) is not applicable and UNION PLANTERS BANK, N.A. may immediately enforce and implement this Order.

ORDERED AND ADJUDGED, this the 27<sup>th</sup> day of January, 2014.

  
UNITED STATES BANKRUPTCY JUDGE

AGREED TO:



Hon. Michael B. Chittom  
Attorney for Plaintiff

Hon. James W. Amos  
Attorney for Debtors



Locke D. Barkley  
Chapter 13 Trustee

**SHAPIRO & MASSEY, L.L.P.**  
1910 Lakeland Drive, Suite B  
Jackson, MS 39216  
Telephone No: (601) 981-9299 ext. 102

AGREED TO:

Michael B. Chittom  
Hon. Michael B. Chittom  
Attorney for Plaintiff

James W. Amos  
Hon. James W. Amos  
Attorney for Debtors

Locke D. Barkley  
Chapter 13 Trustee

SHAPIRO & MASSEY, L.L.P.  
1910 Lakeland Drive, Suite B  
Jackson, MS 39216  
Telephone No: (601) 981-9299 ext. 102

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