

# MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA )  
SHELBY COUNTY )

SH-10675

KNOW ALL MEN BY THESE PRESENTS: That Frank H. Tolbert, II and wife, Debbie J. Tolbert, did, on to-wit, October 12, 1984 execute a mortgage to the ADMINISTRATOR OF VETERANS AFFAIRS, an Officer of the United States of America, whose address is Veterans Administration, Washington, D. C. 20420, and his successors in such office, as such, which mortgage is recorded in Mortgage Book 005, Page 668, et seq., in the Office of the Judge of Probate of Shelby County, Alabama, and which said mortgage, and the indebtedness secured thereby, was assigned to National Mortgage Company and acquired by document recorded in Mortgage Book 023, Page 65, in the said Office of the Probate Judge, which said mortgage, and the indebtedness secured thereby, was reassigned to and acquired by said ADMINISTRATOR OF VETERANS AFFAIRS by document recorded in Mortgage Book 049, Page 372, in said Office of the Probate Judge; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS, an Officer of the United States of America, did declare all of the indebtedness secured by said mortgage due and payable and did give due and proper notice of the foreclosure of said mortgage, in accordance with the terms thereof, by publication in Shelby County Reporter Columbiana, Shelby County, Alabama, in its issues of January 16, 23 and 30, 1986; and

WHEREAS, on February 6, 1986, the day on which the foreclosure sale was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure sale was duly and properly conducted, and EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS, an Officer of the United States of America, did offer for sale and did sell at public outcry, in front of the courthouse door of Shelby County, Alabama, in the city of Columbiana, Alabama, the property herein-after described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of the said EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS, in the amount of TWENTY EIGHT THOUSAND SIX HUNDRED FIFTY AND NO/100-----DOLLARS (\$28,650.00), which sum the said EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS; and

WHEREAS, said mortgage expressly authorized the mortgagee to bid at the said sale and purchase said property, if the highest bidder therefor, and authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at the said sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and of a credit of TWENTY EIGHT THOUSAND SIX HUNDRED FIFTY AND NO/100-----DOLLARS (\$28,650.00), on the indebtedness secured by said mortgage, the said Frank H. Tolbert, II and wife, Debbie J. Tolbert acting by and through the said EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS, by James Robert Scalco, as said auctioneer and the person conducting the said sale for the Mortgagee or transferee, and the said EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS, by James Robert Scalco, as said auctioneer and the person conducting said sale for the Mortgagee or transferee, and James Robert Scalco, as said auctioneer and the person conducting said sale for the Mortgagee or transferee, do hereby grant, bargain, sell and convey unto EVERETT ALVAREZ, JR., ACTING, ~~was~~ ADMINISTRATOR OF VETERANS AFFAIRS, the following described real estate situated in Shelby County, Alabama, to-wit: From the southeast corner of the SE 1/4 of the NE 1/4 of Section 19, Township 22 South, Range 3 West, Shelby County, Alabama, run thence North 2 deg. 45 min. West for a distance of 43.0 feet to a point on the North right-of-way line of the Aldrich-Montevallo Road; thence run along said north right-of-way line south 87 deg. 25 min. West for a distance of 646.0 feet to the point of beginning of the parcel herein described; thence continue along said north right-of-way South 88 deg. 47 min. 22 sec. west for a distance of 115.43 feet; thence run North 10 deg. 42 min. 39 sec. east for a distance of 136.36 feet; thence run north 87 deg. 11 min. 34 sec. west for a distance of 107.74 feet; thence run North 12 deg. 29 min. 15 sec. east for a distance of 276.08 feet; thence run north 87 deg. 14 min. 45 sec. east for a distance of 127.20 feet; thence run South 1 deg. 31 min. 01 sec. east for a distance of 412.63 feet to the point of beginning. **CORRETTI & NEWSOM**

ATTORNEYS AT LAW  
1804 7TH AVENUE NORTH

HOUSTON, TEXAS 77002

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TO HAVE AND TO HOLD THE above described property unto EVERETT ALVAREZ, JR., ACTING, ~~as~~ ADMINISTRATOR OF VETERANS AFFAIRS, whose address is Veterans Administration, Washington, D. C. 20420, and his successors in such office as such forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, the said EVERETT ALVAREZ, JR., ACTING, ~~as~~ ADMINISTRATOR OF VETERANS AFFAIRS, has caused this instrument to be executed by James Robert Scalco, as auctioneer and the person conducting said sale for the Mortgagee or Transferee, and in witness whereof the said James Robert Scalco has executed this instrument in his capacity as such auctioneer on this the 6th day of February, 1986.

Frank H. Tolbert, II and wife,  
Debbie J. Tolbert Mortgagors

By EVERETT ALVAREZ, JR., ACTING, ~~as~~ ADMINISTRATOR OF VETERANS AFFAIRS, Mortgagee or Transferee

By James Robert Scalco  
as Auctioneer and the person conducting said sale for the Mortgagee or Transferee

EVERETT ALVAREZ, JR., ACTING, ~~as~~ ADMINISTRATOR OF VETERANS AFFAIRS, Mortgagee or Transferee

By James Robert Scalco  
as Auctioneer and the person conducting said sale for the Mortgagee or Transferee

James Robert Scalco  
as Auctioneer and the person conducting said sale for the Mortgagee or Transferee

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
Foreclosure  
1986 FEB 11 PM 12:05

James Robert Scalco  
JUDGE OF THE COURT

Rec. 5.00  
Ad. 1.00  
6.00

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that James Robert Scalco, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he, in his capacity as such Auctioneer and the person conducting said sale for the Mortgagee or Transferee, and with full authority executed this instrument voluntarily on the day the same bears date.

Given under my hand and official seal this the 6th day of February, 1986.

Anita J. King  
Notary Public

My Commission Expires October 22, 1989

My Commission expires \_\_\_\_\_

THIS INSTRUMENT WAS PREPARED BY:

Name Douglas Corretti  
Address 1804 7th Avenue North  
Birmingham, Alabama 35203  
Attorneys: Corretti & Newsom