

THIS INSTRUMENT WAS PREPARED BY:

Richard C. Shuleva, Attorney
P.O. Box 607
Pelham, Alabama 35124

SEND TAX NOTICE TO:

Richard C. Shuleva
P.O. Box 607
Pelham, Alabama 35124

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS,

That whereas, heretofore, on, to-wit, **January 29, 1986, Don Marshall Smith and wife, Joyce Gail Smith**, executed a certain mortgage on property hereinafter described to **Swatek & Shuleva**, which said mortgage is recorded in Book 098, Pages 13 & 14, in the Office of the Judge of Probate of Shelby County, Alabama; and,

WHEREAS, in and by said mortgage, the mortgagee, was authorized and empowered in case of default in the payment of the indebtedness thereby secured, according to the terms thereof, to sell said property before the Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving notice of the time, place and terms of said sale in some newspaper published in said City by publication once a week for three consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in same, the mortgagee or any person conducting said sale for the mortgagee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the mortgagee may bid at the sale and purchase said property if the highest bidder therefor; and,

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said **Swatek & Shuleva**, did declare all of the indebtedness secured by said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in the **SHELBY COUNTY REPORTER**, a newspaper of general circulation published in Shelby County, Alabama, in its issues of **December 29, 1993, January 5, 1994, January 12, 1994**, to be held on **January 26, 1994**.

WHEREAS, on **January 26, 1994**, the day on which the foreclosure was due to be held under the terms of said notice between the legal hours of sale, said foreclosure was duly conducted and **Swatek & Shuleva**, did offer for sale and sell at public outcry in front of the Courthouse in Shelby County, Alabama, the property hereinafter described; and,

WHEREAS, **Richard C. Shuleva**, was the Auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said **Swatek & Shuleva**, and whereas, **Swatek & Shuleva**, were the highest bidders and best bidders, in the amount of **One Thousand Five Hundred Forty-Nine and 47/100 Dollars (\$1,549.47)**, on the indebtedness secured by said Mortgage, the said **Swatek & Shuleva**, by and through **Richard C. Shuleva**, as Auctioneer conducting said sale, and as Attorney-in-Fact for **Swatek & Shuleva**, Mortgagee, and **Don Marshall Smith and wife, Joyce Gail Smith**, by and through **Richard C. Shuleva**, as Auctioneer conducting said sale, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said **Swatek & Shuleva**, the following described property being situated in Shelby County, Alabama, to-wit:

Commence at the NE corner of the SE1/4 of NW1/4 of Section 4, Township 22 South, Range 1 West, and run thence West along the north line of said 1/4-1/4 section a distance of 867.5 feet; thence

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turn 92 deg. 28 min. to the left and run 493.4 feet South to a point on the tangent of a road known as "Gould Road"; thence turn 53 deg. 52 min. to the left and run along the tangent of said Gould Road 116.5 feet Southeasterly to a point; thence turn 17 deg. 38 min. to the right and run along the tangent of said Gould Road 165.5 feet Southeasterly to a point; thence turn 41 deg. 29 min. to the left and run along the tangent of said Gould Road 78.5 feet Easterly to a point; thence turn an angle 31 deg. 40 min. to the left and run along the tangent of said Gould Road 302.6 feet to the point of beginning of the parcel herein described; thence continue along the same course along the tangent of said Gould Road a distance of 122.1 feet; thence turn 43 deg. 03 min. to the right and run along the tangent of said Gould Road 103.3 feet Southeasterly to a point; thence turn 35 deg. 14 min. to the right and run along the tangent of said Gould Road 207.1 feet to a point on the East boundary of said 1/4-1/4 section; thence turn 149 deg. 12 min. to the left and run 752.9 feet North along the East boundary of said 1/4-1/4 Section to the Northeast corner of said 1/4-1/4 Section 315.3 feet to a point; thence run South to the point of beginning, subject to easements and restrictions of record.

TO HAVE AND TO HOLD the above described property unto **Swatek & Shuleva**, their heirs and assigns forever, subject, however to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, **Swatek & Shuleva**, as Mortgagee, and **Don Marshall Smith and wife, Joyce Gail Smith**, have caused this instrument to be executed by and through **Richard C. Shuleva**, as Auctioneer conducting sale and as Attorney-in-Fact for all parties separately, and **Richard C. Shuleva**, as Auctioneer conducting said sale and as Attorney-in-Fact, for each of said parties, has hereto set his hand and seal on this the 26th day of JANUARY, 1994.

DON MARSHALL SMITH, Mortgagor

By: _____

Richard C. Shuleva
Auctioneer & Attorney-in-Fact

JOYCE GAIL SMITH, Mortgagor

By: _____

Richard C. Shuleva
Auctioneer & Attorney-in-Fact

SWATEK & SHULEVA

By: _____

Richard C. Shuleva
Auctioneer & Attorney-in-Fact

Richard C. Shuleva
Auctioneer & Attorney-in-Fact

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Richard C. Shuleva**, whose names as Auctioneer and Attorney-in-Fact for **Swatek & Shuleva**, Mortgagee; and **Don Marshall Smith and wife, Joyce Gail Smith**, 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 Attorney-in-Fact, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26th day of JANUARY, 1994.
August 5, 1996
My Commission Expires

Sammy Popper Boom
Notary Public

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