

## **MORTGAGE FORECLOSURE DEED**

THE STATE OF ALABAMA)  
SHELBY COUNTY)

12/11/1998-49557  
01:54 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 CRH 14.50

KNOW ALL MEN BY THESE PRESENTS, That:

WHEREAS, heretofore on the 29th day of October, 1993, Alton L. Gothard, Jr. and wife, Nancy B. Gothard, executed a certain mortgage to Johnson & Associates Mortgage Company, Inc., which said mortgage is recorded in Real 1993, Page 34680, et seq., in the Office of the Judge of Probate of Jefferson County, Alabama, and said mortgage was assigned and transferred to Colonial Mortgage Company, by instrument dated February 1, 1998, and recorded of record in Real 1998, Page 04293, in said Probate Office; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and Colonial Mortgage Company did declare all of the indebtedness secured by the said mortgage due and payable and said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage, in accordance with the terms thereof, by publication in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Columbiana, Alabama, in its issues of October 28, November 4, and 11, 1998; and

WHEREAS, on November 25, 1998, the day on which the foreclosure sale was due to be held under the terms of said notice, during the legal hours of sale, said foreclosure was duly and properly conducted and the said Colonial Mortgage Company did offer for sale and sell at public outcry, in front of the main entrance of the Courthouse at Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the aforementioned mortgage was the bid of COMMERCIAL CREDIT OF ALABAMA, INC. in the amount of One Hundred Twenty-nine Thousand Six Hundred & no/100 (\$129,600.00), on the indebtedness secured by said mortgage and said property was thereupon sold to COMMERCIAL CREDIT OF ALABAMA, INC.; and

WHEREAS, J. Dennis Bailey acted as auctioneer as provided in said mortgage and conducted said sale; and

WHEREAS, said mortgage expressly authorized the mortgagee or auctioneer or any person conducting said sale to execute to the purchaser at said sale a deed to the property so purchased.

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NOW, THEREFORE, in consideration of the premises and the sum of One Hundred Twenty-nine Thousand Six Hundred & No/100 (\$129,600.00 (\$129,600.00) DOLLARS, on the indebtedness secured by said mortgage the said Alton L. Gothard, Jr. and Nancy B. Gothard, mortgagors, acting by and through the said Colonial Mortgage Company by J. Dennis Bailey as said auctioneer and the person conducting said sale for the mortgagee, does grant, bargain, sell and convey unto COMMERCIAL CREDIT OF ALABAMA, INC. and its successors and assigns, the following described real property, situated in Shelby County, Alabama, to-wit:

A parcel of land situated part in the SW ¼ of the NE ¼ and part in the SE ¼ of the NW ¼ of Section 16, Township 21 South, Range 3 West, described as follows: Beginning at the NW corner of the SW ¼ of the NE ¼ of Section 16, go North 89 deg. 34 min. 18 sec. East along the North boundary of said 1/4-1/4 Section 205.50 feet; thence South 3 deg. 09 min. 53 sec. East for 633.74 feet to the North boundary of Big Oak Drive; thence two course along said boundary as follows: go South 87 deg. 32 min. West for 168.00 feet; thence North 89 deg. 18 min. 10 sec. West for 40.10 feet; thence North 3 deg. 19 min. 04 sec. West for 639.00 feet to the North boundary of the SE 1/4 of the NW 1/4 of Section 16; thence North 89 deg. 34 min. 18 sec. East for 4.5 feet to the point of beginning; being situated in Shelby County, Alabama.

### **SUBJECT TO:**

1. Ad valorem taxes for the current year.
2. Any and all easements, encumbrances and/or restrictions of record.
3. All rights outstanding by reason of the statutory right of redemption arising out of or resulting from the foreclosure of that certain mortgage executed by Alton L. Gothard, Jr. and wife, Nancy G. Gothard to Colonial Mortgage Company, recorded in Real 1993, Page 34680, et seq., in the Office of the Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto COMMERCIAL CREDIT OF ALABAMA, INC., its successors and assigns forever; subject, however to the Statutory Right of Redemption on the part of those entitled to redeem as provided by

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the laws of the State of Alabama.

IN WITNESS WHEREOF, Alton L. Gothard, Jr. and wife, Nancy B. Gothard, and the said Colonial Mortgage Company, have caused this instrument to be executed by J. Dennis Bailey, as auctioneer and the person conducting said sale for the mortgagee, and in witness whereof the said J. Dennis Bailey, has executed this instrument in his capacity as such auctioneer on this the 25th day of November, 1998.

Alton L. Gothard, Jr. & Nancy B. Gothard,  
Mortgagors

By: Colonial Mortgage Company, Mortgagee

By: J. Dennis Bailey  
As: Auctioneer and the person conducting  
said sale for the mortgagee

STATE OF ALABAMA)  
Jefferson COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. Dennis Bailey, whose name as auctioneer and the person conducting said sale for the mortgagee, 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 said conveyance, he, in his capacity as such auctioneer and who person conducting said sale for the mortgagee, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of November, 1998.

Janet L. Hupke  
Notary Public  
My commission expires: MY COMMISSION EXPIRES JUNE 15, 2000

THIS INSTRUMENT WAS PREPARED BY:

J. Dennis Bailey  
Attorney at Law  
9636 Parkway East  
Birmingham, Alabama 35215  
(205) 836-6266

Inst # 1998-49557

12/11/1998-49557

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SHELBY COUNTY JUDGE OF PROBATE

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