

1141

AFFIDAVIT

Before me, the undersigned, a Notary Public in said County in said State, personally appeared STEPHEN R. MONK, who being duly sworn, deposes and says as follows:

1. My name is Stephen R. Monk and I am a practicing member of the Alabama State Bar Association.

2. On July 23, 1982, I, acting as auctioneer for David Drive Associates, a partnership, as mortgagee and as agent for Leonard Hultquist, II, the mortgagor under that certain mortgage recorded in Book 418, Page 578, in the Probate Office of Shelby County, Alabama, did exercise the rights of foreclosure pursuant to the power of sale contained in said mortgage and did execute, in the capacity as aforesaid, a Mortgage Foreclosure Deed transferring and conveying to David Drive Associates, the highest and sole bidder at such foreclosure sale, the following described real property situated in Shelby County, Alabama, to wit:

Lot 10, Block 3, according to the survey of Brookfield Subdivision, Second Sector, as recorded in Map Book 6, Page 16, in the Office of the Judge of Probate of Shelby County, Alabama.

3. The foregoing described foreclosure sale was conducted in accordance with the terms of the aforesaid mortgage and the laws of the State of Alabama.

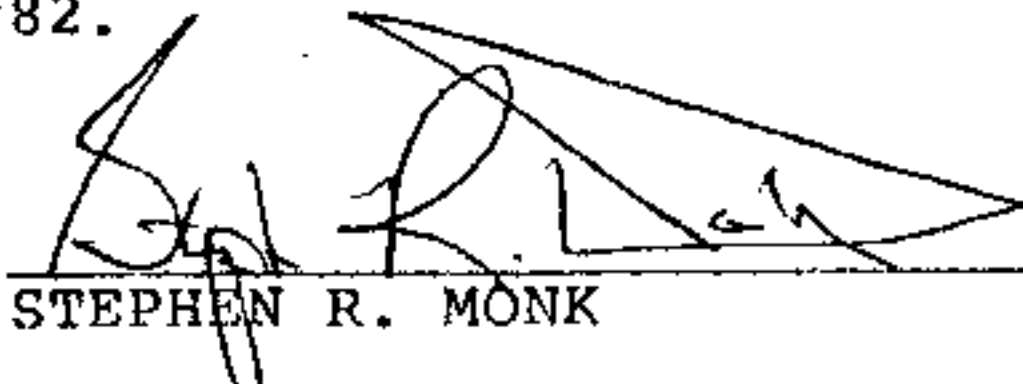
4. Subsequent to the recording of the above referenced mortgage, the Internal Revenue Service filed a Tax Lien on May 11, 1982 which was recorded in Book R, Page 898, in the Probate Office of Shelby County, Alabama, against Leonard Hultquist, II, in the amount of \$171,951.59.

5. Notice of the aforesaid foreclosure sale was given in writing to the District Director of the Internal Revenue Service more than twenty-five (25) days prior to the date of said sale in full compliance with Internal Revenue Code Section 7425 and the regulations thereunder, by letter dated June 22, 1982, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

6. Notice of the aforesaid foreclosure sale was also given by publication in the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, once a week for three (3) consecutive weeks in the issues of said newspaper of July 1, 1982, July 8, 1982 and July 15, 1982.

7. The purpose of this Affidavit is to provide, in a recordable form, that compliance with Internal Revenue Code Section 7425 and all regulations thereunder has been made and that due and proper notice was given to the Internal Revenue Service prior to the foreclosure of the above referenced mortgage.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of November, 1982.


STEPHEN R. MONK

Sworn to and subscribed before me this 9th day of November, 1982.


Notary Public

My Commission Expires: 1-30-86

BERKOWITZ, LEFKOVITS & PATRICK

1400 COLONIAL BANK BUILDING

BIRMINGHAM, ALABAMA 35203

This instrument prepared by
Stephen R. Monk

Berkowitz, Lefkovits & Patrick
1400 City National Bank Building
Birmingham, Alabama 35203

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BERKOWITZ, LEFKOVITS & PATRICK

ATTORNEYS AT LAW

1400 CITY NATIONAL BANK BUILDING

BIRMINGHAM, ALABAMA 35203

June 22, 1982

TELEPHONE 326-0460

AREA CODE 205

SAMUEL TENENBAUM
OF COUNSEL

A. BERKOWITZ
ARNOLD K. LEFKOVITS
J. VERNON PATRICK, JR.
CHERVIS ISOM
MICHAEL L. EDWARDS
HAROLD B. KUSHNER
LEE H. ZELL
DAVID A. LARSEN
THOMAS J. GALLO
ANNE W. MITCHELL
WILLIAM R. SYLVESTER
SUSAN SALONIMER
LISA GESSOW MICHELSON
D. J. SIMONETTI
STEPHEN R. MONK

District Director
Internal Revenue Service
Room 100
2121 8th Avenue North
Birmingham, AL 35203

Attention: Chief, Special Procedures Section.

Re: Leonard Hultquist, II, SS #416-56-0865
Room 1104, 1928 1st Avenue North, Birmingham, AL 35203

Tax Lien Filed May 11, 1982 in the Probate Office
of Shelby County, Alabama, in Book R, Page 898, in
the amount of \$171,951.59:
IRS District: Birmingham, Alabama.

Gentlemen:

We represent David Drive Associates, a Partnership, owner of a second mortgage executed by the above named Leonard Hultquist, II, securing an indebtedness of \$20,000, which is in default. The mortgage is recorded in Book 418, page 578, in the Probate Office of Shelby County, Alabama, against property known as 1225 David Drive, Pelham, Alabama 35124, legally described as Lot 10, in Block 3, according to the Survey of Brookfield Sub-division, Second Sector, as recorded in Map Book 6, Page 16, in the Office of the Judge of Probate of Shelby County, Alabama.

This second mortgage is subordinate to a first mortgage in favor of Johnson-Rast & Hays Co., recorded in Volume 348, at page 814 in said Probate Office, which first mortgage was assigned to First Federal Savings & Loan Association of Decatur, in Misc. Volume 14, page 816, in said Probate Office. The current outstanding balance on the first mortgage is approximately \$36,863.16.

Enclosed you will find a copy of notice of Mortgage Foreclosure Sale which will be published on July 1, 8 and 15, 1982 in the

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TECHNICAL
SERIALS
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JUL 1 1982
FBI - BIRMINGHAM

BERKOWITZ, LEFKOVITS & PATRICK

District Director
Internal Revenue Service
June 22, 1982
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Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, stating the foreclosure sale will be held on July 23, 1982 in front of the Shelby County Court House in Columbiana, Alabama during legal hours of sale to the highest bidder for cash. The outstanding balance due on this note and mortgage is \$20,000, without interest. In addition, expenses of the sale will be approximately \$50 advertising cost, \$5 recording the foreclosure deed and \$35 tax lien search.

If additional information is required, please do not hesitate to contact me. Please acknowledge receipt of this letter.

Very truly yours,

Chervis Isom

CI/ow
Enclosure

I hereby certify that the original letter was delivered by me to the address shown, on this 22nd day of June, 1982.

Marl Olin

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1982 NOV 10 AM 8:20

Thomas A. Swanson, Jr.
JUDGE OF PROBATE

Rec. 4/50
Ind. 100
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