

VA Form 26-40 (322)
JUNE, 1983. Use optional Section 1810,
Title 38 U.S.C. Acceptable to
Federal National Mortgage Association

Inst # 2000-35997

10/16/2000-35997
12:22 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
24.00
MMB
005

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS: That Turk L. Bence and wife, Melanie H. Bence, did, on to-wit, March 9, 1994, execute a mortgage to South States Mortgage Corporation, which mortgage is recorded in Instrument #1994-08207, et seq., and re-recorded in Instrument #1996-18367 in the Office of the Judge of Probate of Shelby County; which said mortgage was subsequently assigned to NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation by instrument recorded in Instrument #1994-08208 of said Probate Court records; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation 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 The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama, in its issues of August 23, 30, and September 6, 2000; and

WHEREAS, on October 3, 2000, 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 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 hereinafter 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 One Hundred Five Thousand, Three Hundred Sixteen Dollars and No/100 Dollars, in the amount of (\$105,316.00) Dollars, which sum the said NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation; 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 sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and of a credit of (\$105,316.00) Dollars, on the indebtedness secured by said mortgage, the said Turk L. Bence and Melanie H. Bence, acting by and through the said NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation by Michael T. Atchison, as said Auctioneer

and the person conducting the said sale for the Mortgagee or Transferee of Mortgage, and the said NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation by Michael T. Atchison, as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage, and Michael T. Atchison as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage, do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation, the following described real property situated in Shelby County, Alabama, to-wit:


Lot 17, according to the Survey of Chanda-Terrace, 5th Sector, as recorded in Map Book 14, Page 10, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Mineral and mining rights excepted..

TO HAVE AND TO HOLD the above described property unto BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation, forever; subject, however, to the statutory right 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 NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation, has caused this instrument to be executed by Michael T. Atchison, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage, and in witness whereof the said Michael T. Atchison has executed this instrument in his capacity as such Auctioneer on this the 3rd day of October, 2000.

TURK L. BENCE AND MELANIE H. BENCE

BY: NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation Mortgagee or Transferee of Mortgage

BY: 
As Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage

NationsBanc Mortgage Corporation n/k/a BA Mortgage LLC (a wholly owned subsidiary of Bank of America NA) successor in interest by merger of NationsBanc Mortgage Corporation Mortgagee or Transferee of Mortgage

BY: 

As Auctioneer and the person
conducting said sale for the
Mortgagee or Transferee of
Mortgagee



As Auctioneer and the person
conducting said sale for the
Mortgagee or Transferee of
Mortgagee

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Michael T. Atchison, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of 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, she, in her capacity as such Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority, executed this instrument voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 16 day of October, 2000.



NOTARY PUBLIC

My Commission Expires: 10-6-2004

Grantee's address:

101 E. Main Street, STE 400
Louisville, KY 40232

This instrument prepared by:

Beth McFadden Rouse
McFADDEN, LYON & ROUSE, L.L.C.
718 Downtowner Boulevard
Mobile, Alabama 36609

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ENTERED

JUN 6 2000

Clerk, U.S. Bankruptcy Court
Northern District of Alabama
By: _____

IN RE:
TURK L. BENCE
MELANIE H. BENCE,
Debtors.

* CHAPTER 7

*
* CASE NO.: 00-00765-BGC
*
*

MOTION OF BANK OF AMERICA, N.A. *

ORDER

This matter came on for hearing upon the Motion of Bank of America, N.A., seeking relief from the stay of 11 U.S.C. 362 as it relates to certain property of the above-named Debtors.

Proper notice of the hearing was given. Beth McFadden Rouse, attorney for the Movant

appeared and other appearances were noted in the record. It appears to the Court that Bank of

America, N.A. holds a valid security interest in the following described property:

Lot 17, according to the Survey of Chanda-Terrace, 5th Sector, as recorded in Map Book 14, page 10 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Upon consent of the parties, **IT IS ORDERED** that the automatic stay imposed by 11

U.S.C. §362 is **TERMINATED** as it relates to the following described property:


Lot 17, according to the Survey of Chanda-Terrace, 5th Sector, as recorded in Map Book 14, page 10 in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

Bankruptcy Rule 4001 (a)(3), as amended, is not applicable and Movant may immediately enforce and implement this order granting relief from the automatic stay.


DATED this the 6th day of June, 2000.


BENJAMIN G. COHEN
U.S. BANKRUPTCY JUDGE


CONFIRMED AND AGREED:


DONNA J. BEAULIEU, Attorney for
Debtors, Turk & Melanie Bence
Post Office Box 357
Saginaw, Alabama 35137

CONFIRMED AND AGREED:


BETH McFADDEN ROUSE, Attorney for
Movant, Bank of America, N.A.
718 Downtowner Blvd.
Mobile, Alabama 36609

CONFIRMED AND AGREED:



ANDRE' M. TOFFEL, Trustee for Debtors
1929 Third Avenue North, 4th Floor
Birmingham, Alabama 35203

Bankruptcy Rule 4001 (a)(3), as amended, is not applicable and Movant may immediately enforce and implement this order granting relief from the automatic stay.


DATED this the 6th day of June, 2000.



BENJAMIN G. COHEN
U.S. BANKRUPTCY JUDGE

CONFIRMED AND AGREED:


DONNA J. BEAULIEU, Attorney for
Debtors, Turk & Melanie Bence
Post Office Box 357
Saginaw, Alabama 35137

CONFIRMED AND AGREED:


BETH McFADDEN ROUSE, Attorney for
Movant, Bank of America, N.A.
718 Downtowner Blvd.
Mobile, Alabama 36609

CONFIRMED AND AGREED: *May 12, 2000*

ANDRE' M. TOFFEL, Trustee for Debtors
1929 Third Avenue North, 4th Floor
Birmingham, Alabama 35203

Inst # 2000-35997

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10/16/2000-35997
12:22 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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