


PREPARED BY: DAVID VANBUSKIRK

**MORRIS, SCHNEIDER & PRIOR, L.L.C.**

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20021031000537580 Pg 1/2 15.00  
Shelby Cnty Judge of Probate, AL  
10/31/2002 09:33:00 FILED/CERTIFIED

STATE OF ALABAMA  
COUNTY OF SHELBY

## MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That:

WHEREAS, heretofore on December 22, 2000, **Evan C. Clarke and Dani C. Clarke, husband and wife, Party of the First Part**, executed a certain mortgage to **Mortgage Electronic Registration Systems, Inc.**, which said mortgage is recorded in Instrument No. INST # 2001-00291, in the Office of the Judge of Probate of Shelby County, Alabama. Which said Mortgage was last sold, assigned and transferred to BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation, Party of the Second Part, by instrument dated 10/7/02 and recorded in Real Property Book X, at page X, in said Probate Office; and  
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WHEREAS, default in the payment of the indebtedness secured by said mortgage, and BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation 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, Alabama, in its issues of 8/28, 9/4 and 9/11/02; and

WHEREAS, on September 18, 2002, 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 person conducting the sale on behalf of the mortgagee did offer for sale and sell a public outcry, in front of the main entrance of the Courthouse, 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 BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation in the amount of **ONE HUNDRED SIXTY-THREE THOUSAND FORTY-ONE AND 00/100 DOLLARS (\$ 163,041.00)**; which the person conducting the sale on behalf of the mortgagee offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation; and

WHEREAS, James Greer, Esq., conducted said sale and acted as auctioneer thereat, under and pursuant to an appointment as such by the Party of the Second Part; 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.

NOW, THEREFORE, in consideration of the premises and the credit of ONE HUNDRED SIXTY-THREE THOUSAND FORTY-ONE AND 00/100 DOLLARS (\$ 163,041.00), on the indebtedness secured by said mortgage, the parties of the First Part and the Party of the Second Part,

both acting by and through the undersigned as their duly constituted and appointed attorney-in-fact and auctioneer at said sale, do hereby grant, bargain, sell and convey unto BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation, and its successors and assigns, the following described real property, situated in Shelby County, Alabama, to-wit:

Lot 6, Block 2, according to the Survey of Applecross a Subdivision of Inverness, as recorded in Map Book 6, Page 42, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation, its successors and assigns 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; also subject to ad valorem taxes, easements and/or restrictions of record, prior liens and/or assessments of record.

IN WITNESS WHEREOF, Evan C. Clarke and Dani C. Clarke, husband and wife and BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation have set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the 18<sup>th</sup> day of September, 2002.

BY:

AS:

  
Auctioneer and Attorney-in-fact

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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James Greer, Esq., whose name as attorney-in-fact and auctioneer for Evan C. Clarke and Dani C. Clarke, husband and wife and BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation, 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/she, in his/her capacity as such attorney-in-fact, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18<sup>th</sup> day of September, 2002.



NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Oct 23, 2004  
BONDED THRU NOTARY PUBLIC UNDERWRITERS