

STATE OF ALABAMA

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SHELBY COUNTY

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MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS

THAT, WHEREAS, heretofore, on to-wit, January 5, 2001, Dennis E. Kincaid and Grace Kincaid, husband and wife, executed a certain mortgage on property hereinafter described to Consecro Finance Corporation-Alabama, which said mortgage is recorded in Instrument Book 2001-00790 in the Office of the Probate Judge in Shelby County, Alabama; and

WHEREAS, in and by said mortgage, the mortgagee, its successors or assigns, was authorized and empowered in the event of default, 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 County by publication once a week for three (3) 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 the proper conveyance 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 same Consecro Finance Corporation-Alabama, did declare all of the indebtedness secured by said mortgage due and payable and said mortgage subject to foreclosure as therein provided and did give due and proper notice of foreclosure of said mortgage, by U. S. Mail and by publication in the *Shelby County Reporter* newspaper of general circulation, published in Shelby County, Alabama, in its issues of the July 2, July 9 and July 16, 2003;

WHEREAS, on the 23rd day of July, 2003, the day on which said foreclosure sale was due to be held under the terms of said notice between the legal hours of sale, said foreclosure was duly and properly conducted and Gary E. Sullivan as Attorney-in-Fact for the said Consecro Finance Corporation-Alabama did offer for sale and sell at public outcry, at the Courthouse in Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Gary E. Sullivan was the Auctioneer who conducted said foreclosure sale for

the said Conseco Finance Corporation-Alabama; and

WHEREAS, Sherman Holland, Jr. was the highest bidder in the amount of Forty Thousand and 00/100 Dollars (\$40,000.00), which sum of money Conseco Finance Corporation-Alabama offered to apply to the costs of foreclosure and credit the remaining balance on the indebtedness secured by said mortgage, and said property was thereupon sold to Sherman Holland, Jr.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, and the amount of Forty Thousand and 00/100 Dollars (\$40,000.00), the said Dennis E. Kincaid and Grace Kincaid to Conseco Finance Corporation-Alabama by and through Gary E. Sullivan, the person acting as auctioneer and conducting said sale as their duly authorized agent and Attorney-in-Fact and as Auctioneer does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Sherman Holland, Jr. AS IS, WHERE IS, the following described property situated in Shelby County, Alabama, to-wit:

Lot 12, according to the Survey of Rolling Meadow Estates, as recorded in Map Book 26, Page 93 in the Probate Office of Shelby County, Alabama; situated in Shelby County, Alabama.

Together with the hereditaments and appurtenances thereunto belonging and all fixtures now attached to and used in connection with the premises herein described, subject to right of way easements and restrictions of record in the Probate Office of Shelby County, Alabama, and existing special assessments, encumbrances and taxes, if any, which might adversely affect the title to the above described property.

TO HAVE AND TO HOLD the above described property unto the said Sherman Holland, Jr., his 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 and the United States of America.

IN WITNESS WHEREOF, the said Dennis E. Kincaid and Grace Kincaid, and Conseco Finance Corporation-Alabama have caused this instrument to be executed by and through Gary E. Sullivan, as Auctioneer conducting said sale and as Attorney-in-Fact for all parties separately, and Gary E. Sullivan has hereto set his hand and seal on this the 23rd day of July, 2003.

Dennis E. Kincaid

Grace Kincaid

BY:

Gary E. Sullivan
Attorney-in-Fact

CONSECO FINANCE CORPORATION-ALABAMA

BY:

Gary E. Sullivan
as Attorney-In-Fact and Agent

Gary E. Sullivan as the Auctioneer
and person making said sale

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Gary E. Sullivan whose name as Attorney-in-Fact for Dennis E. Kincaid and Grace Kincaid, whose name as Attorney-in-Fact and agent for Conseco Finance Corporation-Alabama and whose name as Auctioneer and person making said sale, 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 Attorney-in-Fact, agent, and as such Auctioneer, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 23rd day of July, 2003.

Gilbert M. Henderson
Notary Public in and for
the State of Alabama at Large
My Commission Expires 11/28/04

THIS INSTRUMENT PREPARED BY:
GARY E. SULLIVAN, ESQ.
FARMER, PRICE, HORNSBY & WEATHERFORD, L.L.P.
P. O. Drawer 2228
Dothan, Alabama 36302
(334) 793-2424
File No. 03-483

GRANTEE'S ADDRESS: