


SEND TAX NOTICE TO:

Jane K. Smith

721 Cahaba River Parc

Birmingham, AL 35243

(205) 970-8841


20030915000619090 Pg 1/4 119.00
Shelby Cnty Judge of Probate, AL
09/15/2003 14:06:00 FILED/CERTIFIED

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 10th day of January, 1994, Richard L. Dakin and Diane E. Dakin, Husband and Wife, executed that certain mortgage on real property hereinafter described to Fox Financing, Inc., which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 1994-01507, said mortgage having subsequently been transferred and assigned to GMAC Mortgage Corporation, by instrument recorded in Instrument No. 1999-23722, in the aforesaid Probate Office; and

WHEREAS, in and by said mortgage, the Transferee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, 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 Transferee or any person conducting said sale for the Transferee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Transferee may bid at the sale and purchase said property if the highest bidder thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said GMAC Mortgage Corporation did declare all of the indebtedness secured by said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, in its issues of April 23, 2003, April 30, 2003, and May 7, 2003; and

WHEREAS, on May 13, 2003, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure was duly conducted, and GMAC Mortgage Corporation did offer for sale and sell at public outcry in front of the Courthouse door in Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Michael Corvin was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said GMAC Mortgage Corporation; and

WHEREAS, Jane K. Smith was the highest bidder and best bidder in the amount of Ninety Nine Thousand and 00/100 Dollars (\$99,000.00) on the indebtedness secured by said mortgage, the said GMAC Mortgage Corporation, by and through Michael Corvin, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby remise, release, quit claim and convey unto Jane K. Smith all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 84, according to map of Chandalar South, Second Sector, as recorded in Map Book 6 Page 12 in the Probate Office of Shelby County; being situated in Shelby County, Alabama.

The property is being conveyed herein on an "as is, where is" basis subject to any easements, encumbrances, and exceptions reflected in the mortgage and those contained in the records of the Office of the Judge of Probate of the county where the above described property is situated; and furthermore, this

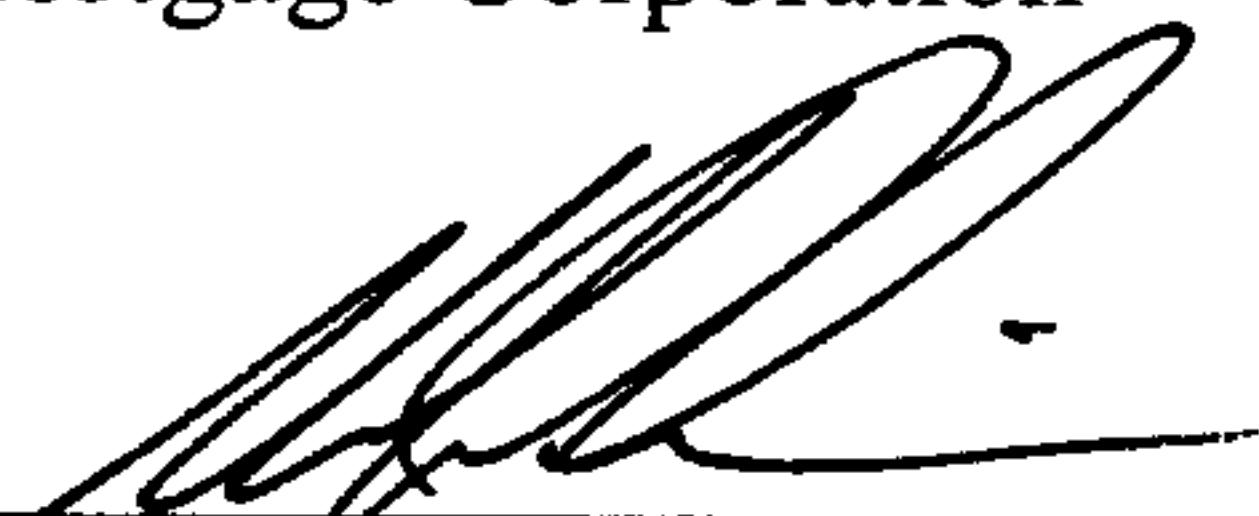
property is being conveyed without warranty or recourse, express or implied, as to title, use and/or enjoyment and will be subject to the right of redemption of all parties entitled thereto; and by accepting this deed, Grantee releases any and all claims whatsoever against the law firm representing the Grantor hereunder and the auctioneer conducting said foreclosure sale; and furthermore, this conveyance is subject to being declared null and void in the event that the owner or a party claiming through the owner has filed a bankruptcy prior to the date of this foreclosure sale.

TO HAVE AND TO HOLD the above described property unto Jane K. Smith, forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama; and also subject to all recorded mortgages, encumbrances, recorded or unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record in the aforesaid Probate Office.

IN WITNESS WHEREOF, GMAC Mortgage Corporation, has caused this instrument to be executed by and through Michael Corvin, as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, and said Michael Corvin, as said auctioneer and attorney-in-fact for said Mortgagee, has hereto set his/her hand and seal on this 13th day of May, 2003.

GMAC Mortgage Corporation


By: _____


Michael Corvin, Auctioneer and Attorney-in-Fact

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Michael Corvin, whose name as auctioneer and attorney-in-fact for GMAC Mortgage Corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Transferee.

Given under my hand and official seal on this 13th day of May, 2003.



Notary Public
My Commission Expires: MY COMMISSION EXPIRES MARCH 3, 2007

This instrument prepared by:
Stephen G. Collins
SIROTE & PERMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727