



20041229000706290 Pg 1/4 63.50
Shelby Cnty Judge of Probate, AL
12/29/2004 14:18:00 FILED/CERTIFIED

This Instrument Prepared By:
Robert E. Moorer, Atty. at Law
2700 Highway 280 South
Suite 201 West
Birmingham, Alabama 35223

STATE OF ALABAMA)
COUNTY OF SHELBY)

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That heretofore on, to-wit: **Sarah Nell Butler Gentry a/k/a Sarah B. Gentry**, an unmarried woman, executed a certain mortgage on the property hereinafter described to **SouthTrust Bank, N.A.**, which said Mortgage was recorded in Book 3694 Page 803, in the Office of the Probate Judge of Shelby County, Alabama; and

WHEREAS, in and by said mortgage the mortgagee was authorized and empowered in case of default in the payment of the indebtedness thereby secured, according to the terms thereof, to sell said property before the main 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 City 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 title 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 said **SouthTrust Bank N.A.**, 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 the foreclosure of said mortgage by publication in *The Shelby County Reporter*, a newspaper published in Shelby County, Alabama, in its issues of December 8th, 15th and 22nd, 2004; and

WHEREAS, on the 29th day of December, 2004, 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 and properly conducted, and **Wachovia Bank, N.A., f/k/a SouthTrust Bank, N.A.** as mortgagee, did offer for sale and sell at public outcry at the main door of the Courthouse in Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Robert E. Moorer was the Auctioneer who conducted said sale for the said **Wachovia Bank, N.A. f/k/a SouthTrust Bank, N. A.**; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of **Walter Beard**, in the amount of Forty Three Thousand Two-Hundred fifty-one and no/100(\$43,251.00) Dollars.

NOW, THEREFORE, in consideration of the premises and the cash payment in the amount of Forty Three Thousand Two Hundred Fifty-one and no/100 (\$43,251.00) Dollars paid by the said **Walter Beard**, **Wachovia Bank, N.A. f/k/a SouthTrust Bank, N.A.**, by and through Robert E. Moorner as the Auctioneer conducting said sale, does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said **Walter Beard**, the following described property situated in Shelby County, Alabama, to-wit:

(PLEASE SEE EXHIBIT "A" ATTACHED HERETO)

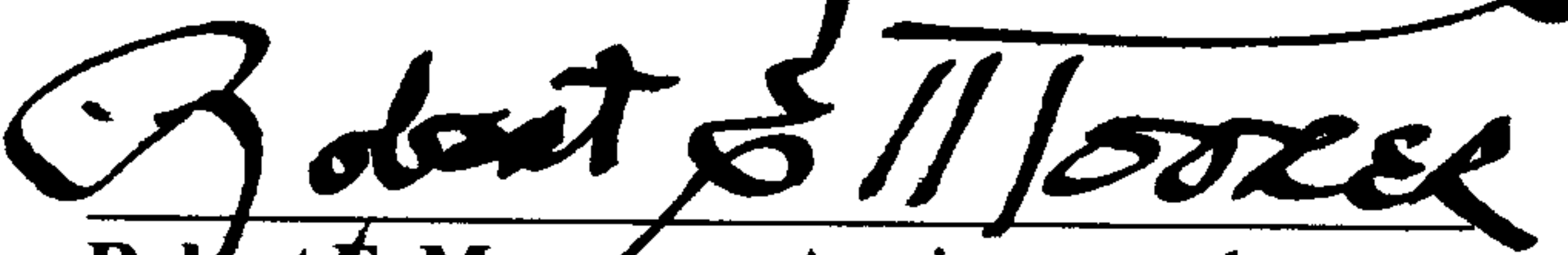
TO HAVE AND TO HOLD the above described property unto **Walter Beard**, his heirs and assigns forever,

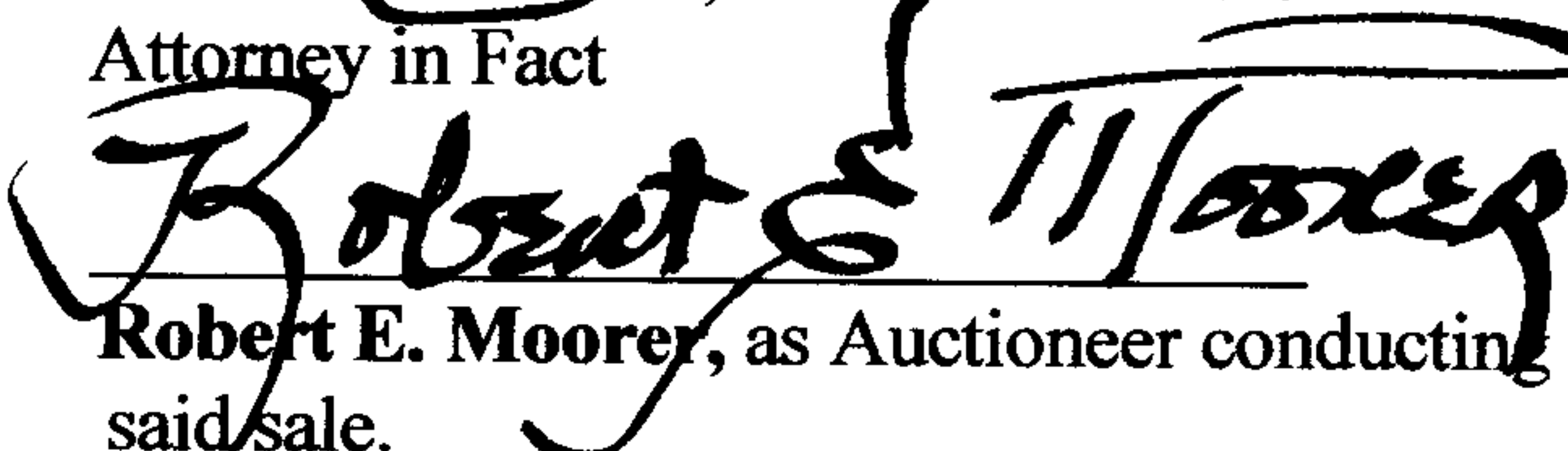
Subject, however, to the following:

1. Any lien for ad valorem taxes, whether not yet due and payable;
2. The statutory rights of redemption on the parts of those entitled to redeem as provided by the laws of the State of Alabama;
3. All easements, rights of way and restrictions of record;
4. Any matters of survey; and
5. Any and all rights, liens, and interests of any and all persons and entities, of record or not, as may exist at law or in equity.

IN WITNESS WHEREOF **Wachovia Bank, N.A. f/k/a SouthTrust Bank, N.A.**, has caused this instrument to be executed by and through Robert E. Moorner as Auctioneer conducting said sale, and as Attorney in Fact, and Robert E. Moorner as Auctioneer conducting said sale has hereto set his hand and seal on this the 29th day of DECEMBER, 2004.

Wachovia Bank, N.A. f/k/a SouthTrust Bank, N.A.,


BY: 
Robert E. Moorner, as Auctioneer and
Attorney in Fact

By: 
Robert E. Moorner, as Auctioneer conducting
said sale.

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Robert E. Moorner, whose name as auctioneer and Attorney in Fact for **Wachovia Bank N.A. f/k/a SouthTrust Bank N.A.,** 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 Auctioneer and Attorney in fact, with full authority, executed the same voluntarily on the day the same bears date.


Given under my hand and official seal this the ¹²29 day of December, 2004.


Notary Public
My commission expires 9/12/2005

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Robert E. Moorner, whose name as auctioneer 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 Auctioneer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the ¹²29 day of December, 2004.


Notary Public
My commission expires 9/12/2005

Source of Title: Book 1994/page 08037
Probate Judge
Shelby County, Alabama

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Stewart Title Guaranty Company

COMMITMENT

SCHEDULE A

Case No. 1104-16

EXHIBIT A

All that certain parcel of land situated in CITY OF ALABASTER being known as

COMMENCE AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4, SECTION 14, TOWNSHIP 21 SOUTH, RANGE 3 WEST; THENCE RUN W ALONG THE S LINE OF SAID 1/4 1/4 SECTION A DISTANCE OF 254.65 FEET TO A POINT ON THE N RIGHT OF WAY LINE OF SMOKEY ROAD; THENCE TURN AN ANGLE OF S DEG 24' TO THE RIGHT AND RUN 149 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE IN THE SAME DIRECTION ALONG SAID SMOKEY ROAD A DISTANCE OF 91.21 FEET; THENCE TURN AN ANGLE OF 78 DEG 02' 59" TO THE RIGHT AND RUN A DISTANCE OF 134.43 FEET; THENCE TURN AN ANGLE OF 74 DEG 12' TO THE RIGHT AND RUN A DISTANCE OF 264.84 FEET; THENCE TURN AN ANGLE 108 DEG 06' TO THE RIGHT AND RUN A DISTANCE OF 61 FEET; THENCE TURN AN ANGLE OF 103 DEG 52' TO THE LEFT AND RUN A DISTANCE OF 140 FEET TO A POINT ON THE N RIGHT OF WAY LINE OF SMOKEY ROAD AT THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA, TAX II) #236144001016000, and being more fully described in DEED BOOK 1991 PAGE 08037 recorded on 03/11/1994 among the land records of SHELBY County, AL. Being the same property conveyed to SARAH NELL BUTLER GENTRY by deed from DAVID DEVOE GENTRY dated 03/11/1994, recorded 03/11/1994, in DEED BOOK 1991 PAGE 08037

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

Schedule A consists of 2 page(s)