20050418000180650 1/3 $47.00
Shelby Cnty Judge of Probate,AL
04/18/2005 11:18:59AM FILED/CERT

STATE OF ALABAMA)
) MORTGAGE FORECLOSURE DEED
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS

THAT, WHEREAS, heretofore, on to-wit, 24th day of August, 2001, Kenneth Garner, married, and Ithiel Patton Geeters, a widow, executed a certain mortgage on property hereinafter described to First National Bank of Shelby County, which said mortgage is recorded in Instrument# 2001-36425 in the Office of the Probate Judge in Shelby County, Alabama; and

WHEREAS, in and by said mortgage, the mortgagee, its successors or assigns, were 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 First National Bank of Shelby County 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 a said mortgage, by U. S. Mail and by publication in the *The Shelby County Reporter*, a newspaper of general circulation, published in Shelby County, Alabama, in its issues of March 30, April 6, and April 13, 2005.

WHEREAS, on the 18th day of April, 2005, 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 Burt W. Newsome as Attorney-in-Fact for the said First National Bank of Shelby County did offer for sale and sell at public outcry, at the Courthouse in Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Burt W. Newsome was the Auctioneer who conducted said foreclosure sale for the said First National Bank of Shelby County; and

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WHEREAS, the said J. Kyle Roberts was the highest bidder in the amount of Thirty Thousand and 00/100 Dollars ($30,000.00), which sum of money First National Bank of Shelby County offered to apply to the costs of foreclosure and then to the remaining balance on the indebtedness secured by said mortgage, and said property was thereupon sold to J. Kyle Roberts.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, and the amount of Thirty Thousand and 00/100 Dollars ($30,000.00), the said Kenneth Garner and Ithiel Patton Geeters, and First National Bank of Shelby County by and through Burt W. Newsome, the person acting as auctioneer and conducting said sale as their duly authorized agent and Attorney-in-Fact and Auctioneer does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said J. Kyle Roberts AS IS, WHERE IS, the following described property situated in Shelby County, Alabama, to-wit:

> Part of the SW ¼ of the SE ¼ and the SE ¼ of the SW ¼ of Section 22, Township 20 South, Range 3 West, being more particularly described as follows:
> Begin at the Southeast corner of said Section 22, and run thence in a Northerly direction along East boundary of said Section 22, a distance of 1,056.0 feet; thence turning an angle of 88 degrees 41 minutes 24 seconds to the left in westerly direction run 1650.0 feet to the point of beginning of the tract herein conveyed; thence continue in the same direction 1654.64 feet to the east line of the Wade property; thence South along the East line of Wade property run 264 feet; thence east and parallel with the North line of the land herein conveyed, run 1654.64 feet; thence north and parallel with the West line of the property herein conveyed run 264.0 feet to the point of beginning. Being situated in Shelby County, Alabama.
>
> **LESS AND EXCEPT**
>
> Commence at the SE corner of Section 22, Township 20 South Range 3 West, Shelby County, Alabama and run thence North 01 degrees 18 minutes 36 seconds West along the East line of said section a distance of 1, 056.0 feet to a point; Thence run North 90 degrees 00 minutes 00 seconds West a distance of 2,640.00 feet to an existing rebar corner and the point of beginning of the property being described; Thence run South 00 degrees 01 minutes 47 seconds West a distance of 264.00 feet to an existing rebar corner; Thence run South 90 degrees 00 minutes 00 seconds east a distance of 165.00 feet to a corner; Thence run North 00 degrees 01 minutes 47 seconds East a distance of 264.00 feet to a corner; Thence run South 90 degrees 00 minutes 00 seconds West a distance of 165.00 feet to the point of beginning.
>
> This property is also known as Lot 3-A in Miller's Addition to Helena in Map Book 32 Page 144.

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, 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 J. Kyle Roberts, 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

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America.

IN WITNESS WHEREOF, the said Kenneth Garner and Ithiel Patton Geeters, and First National Bank of Shelby County has caused this instrument to be executed by and through Burt W. Newsome, as Auctioneer conducting said sale and as Attorney-in-Fact for all parties separately, and Burt W. Newsome has hereto set his hand and seal on this the 18th day of April, 2005.

Kenneth Garner and Ithiel Patton Geeters

BY: _____
Burt W. Newsome
Attorney-in-Fact

FIRST NATIONAL BANK OF SHELBY COUNTY

BY: _____
Burt W. Newsome
as Attorney-In-Fact and Agent

BY: _____
Burt W. Newsome as the Auctioneer
and person making said sale

STATE OF ALABAMA
TUSCALOOSA COUNTY

Shelby County, AL 04/18/2005
State of Alabama

Deed Tax:$30.00

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Burt W. Newsome whose name as Attorney-in-Fact for Kenneth Garner and Ithiel Patton Geeters, whose name as Attorney-in-Fact and agent for First National Bank of Shelby County is signed to the foregoing conveyance and whose name as Auctioneer and person making said sale, 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 18th day of April 2005.

_____
Notary Public in and for
the State of Alabama at Large

My Commission Expires 1-9-08

THIS INSTRUMENT PREPARED BY:
BURT W. NEWSOME
NELSON, DORROH, GRAY & NEWSOME, L.L.C.
ATTORNEYS AT LAW
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