20050506000217780 1/2 $15.00
Shelby Cnty Judge of Probate,AL
05/06/2005 10:49:11AM FILED/CERT

Send Tax Notice to:
Green Tree – AL, LLC
P.O. Box 1328
Kennesaw, Georgia 30144

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA
SHELBY COUNTY

KNOW ALL PERSONS BY THESE PRESENTS: That KIM L. MARCUS and husband, MICHAEL D. MARCUS, did, on to-wit, DECEMBER 15, 2000, execute a mortgage to CONSECO FINANCE CORP. - ALABAMA, which mortgage is recorded in BOOK 2000, PAGE 44394, in the Office of the Judge of Probate of SHELBY County, Alabama, and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said GREEN TREE – AL, LLC F/K/A CONSECO FINANCE CORP. - ALABAMA, did declare all of the indebtedness secured by said mortgage due and payable 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 published in the City of COLUMBIANA, SHELBY County, Alabama, once a week for three (3) consecutive weeks, commencing on the 30TH day of MARCH, 2005; and

WHEREAS, on APRIL 20, 2005, the day on which the foreclosure sale was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure sale was duly and properly conducted, and GREEN TREE – AL, LLC F/K/A, did offer for sale and did sell at public outcry, in front of the courthouse door of SHELBY County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of the said GREEN TREE – AL, LLC, in the amount of ONE HUNDRED NINETEEN THOUSAND THREE HUNDRED FORTY-NINE and 07/100 DOLLARS ($119,349.07), which sum the said GREEN TREE – AL, LLC, offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said GREEN TREE – AL, LLC, whose address is P.O. BOX 1328, KENNESAW, GEORGIA 30144; and

WHEREAS, said mortgage expressly authorized the mortgagee to bid at the said sale and purchase said property, if the highest bidder therefore, and authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at the said sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and of a credit of ONE HUNDRED NINETEEN THOUSAND THREE HUNDRED FORTY-NINE and 07/100 DOLLARS ($119,349.07), on the indebtedness secured by said mortgage, the said KIM L. MARCUS AND MICHAEL D. MARCUS, acting by and through the said GREEN TREE – AL, LLC F/K/A CONSECO FINANCE CORP. - ALABAMA, by MARCUS CLARK, and said auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said GREEN TREE – AL, LLC F/K/A CONSECO FINANCE CORP. - ALABAMA, by MARCUS CLARK, as said auctioneer and the person conducting the sale for the Mortgagee or Transferee of Mortgagee, and MARCUS CLARK, as said auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby grant, bargain, sell and convey unto GREEN TREE – AL ,LLC, the following described real estate situated in SHELBY County, Alabama, to-wit:

Legal Description: Lot 40, according to the Amended Map of Hanna Farms, as recorded in Map Book 26, Page 129, in the Probate Office of Shelby County, Alabama.

Also conveyed herewith is a 2000 Palm Harbor, Model No. PH1411529A&B, which is permanently attached to and made a part of the real property.

Which has the property address of :
115 Tyler Circle, Vincent, Alabama 35178

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TO HAVE AND TO HOLD the above described property unto GREEN TREE – AL, LLC, forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, the said GREEN TREE – AL, LLC F/K/A CONSECO FINANCE CORP. – ALABAMA has caused this instrument to be executed by MARCUS CLARK, as auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said MARCUS CLARK has executed this instrument in his capacity as such auctioneer on this the 20TH day of APRIL, 2005.

KIM L. MARCUS
Mortgagor
By: GREEN TREE – AL, LLC F/K/A
CONSECO FINANCE CORP. - ALABAMA
Mortgagee or Transferee of Mortgagee

By: _____
As Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee – MARCUS CLARK

MICHAEL D. MARCUS
Mortgagor
By: GREEN TREE – AL, LLC F/K/A
CONSECO FINANCE CORP. - ALABAMA
Mortgagee or Transferee of Mortgagee

By: _____
As Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee – MARCUS CLARK

STATE OF ALABAMA
Cullman **COUNTY**

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Marcus Clark, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, 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/she, in his/her capacity as such Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority executed this instrument voluntarily on the day the same bears date.

Given under my hand and official seal this the 26th day of April, 2005.

_____
Notary Public
My Commission Expires: PENNY FORTENBERRY
NOTARY PUBLIC
ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES
OCTOBER 6, 2008

THIS INSTRUMENT WAS PREPARED BY:

Name: ROBERT J. SOLOMON
Address: 3675 Crestwood Parkway, Suite 500
Duluth, Georgia 30096

K:\gt\marcusKim\DUP.doc