20060228000093780 1/2 $15.00
Shelby Cnty Judge of Probate,AL
02/28/2006 08:20:07AM FILED/CERT

This instrument was prepared by:
(Name) Joseph E. Walden
(Address) P.O. Box 1610
Alabaster, AL 35007

Send Tax Notice to:
(Name) James Graham & Irene Graham
(Address) 191 Rene's Rd.
Columbiana, AL 35051

FORECLOSURE DEED

STATE OF ALABAMA }
SHELBY COUNTY } **KNOW ALL MEN BY THESE PRESENTS,**

KNOW ALL MEN BY THESE PRESENTS THAT WHEREAS heretofore on the 19th day of December, 1994, to-wit, TIMOTHY E. WYATT executed a certain mortgage on property hereinafter described to JAMES GRAHAM and wife, IRENE GRAHAM, which said mortgage is recorded as Instrument 1994-36952, in the Office of the Judge of Probate 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 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 and county by publication once a week for three consecutive weeks prior to said sale, at public outcry for cash, to highest bidder, and said mortgage provided that in case of sale under the power and authority contained in the 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 Mortgagee did declare all of the indebtedness secured by said mortgage subject to foreclosure as therein provided, and they did give due and proper notice of the foreclosure of said mortgage by publication in the Shelby County News, a newspaper of general circulation, published Shelby County, a newspaper of general published in Shelby County, Alabama, in its issues of October 26, November 2, and November 9, 2005.

WHEREAS, on January 16, 2006, 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 did offer for sale, and sell at public outcry at the Courthouse door at Shelby County, Alabama, the property hereinafter described;

WHEREAS, JOSEPH WALDEN was the auctioneer who conducted said foreclosure sale, and was the person conducting the sale for the said Mortgagee and whereas JAMES GRAHAM and wife, IRENE GRAHAM were the highest bidder and best bidder, in the amount of $34,046.00 DOLLARS on the indebtedness secured by said mortgage, the Mortgagee by and through JOSEPH E. WALDEN, as auctioneer conducting said sale and as attorney in fact for Mortgagee does hereby grant, bargain, sell, and convey unto JAMES GRAHAM and wife, IRENE GRAHAM, the following described property situated in Shelby County, Alabama, to-wit:

Start at the Northwest corner of the SE 1/4 of SW 1/4, Section 31, Township 20 South, Range 2 East, and run South 2 deg. 24 min. West along west forty acre line 759 feet to point of beginning; thence turn an angle of 72 deg. 16 min. to the left (along an old woven wire fence) and run 268.28 feet to West right of way Alabama Highway No. 25; thence turn an angle of 86 deg. 05 min. to the left and run along said right of way 125.0 feet; thence turn an angle of 94 deg. 59 min. to the left and run 315.0 feet; thence turn an angle of 106 deg. 40 min. to the left and run 125.0 feet to point of beginning; being situated in SE 1/4 of SW 1/4, Section 31, Township 20 South, Range 2 East, Shelby County, Alabama; being situated in Shelby County, Alabama.

As recorded as Instrument Number 1994-36951 of the records in the Office of the Judge of Probate, Shelby County, Alabama.

Subject to easements, restrictions, and rights of way of record.
Subject to applicable zoning and subdivision regulations.
None of the here conveyed property constitutes any portion of the homestead of either grantor.
This deed has been prepared without benefit of title examination at the request of the Grantee and Grantor

TO HAVE AND TO HOLD the above described property in and to JAMES GRAHAM and wife, IRENE GRAHAM, their successors and assigns forever; subject, however, to the statutory rights redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws of the state of Alabama.

IN WITNESS WHEREOF, Mortgagee has caused this instrument to be executed by and through JOSEPH E. WALDEN as auctioneer conducting said sale and as attorney in fact for all parties separately and JOSEPH E. WALDEN as auctioneer conducting said sale and as attorney in fact for each party has hereunto set his hand and seal on this the 16 day of JANUARY, 2006.

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Joseph E. Walden

Timothy E. Wyatt, Mortgage or by Joseph E. Walden,
Auctioneer and Attorney-in-Fact

Joseph E. Walden

James Graham, Mortgagee by Joseph E. Walden,
Auctioneer and Attorney-in-Fact

Joseph E. Walden

Irene Graham, Mortgagee by Joseph E. Walden,
Auctioneer and Attorney-in-Fact

STATE OF ALABAMA
SHELBY COUNTY

I, Laurie A. Walden, a Notary Public in and for said County, in said State, hereby certify that Joseph E. Walden, whose name as auctioneer is signed to the foregoing conveyance, and who signed the names of TIMOTHY E. WYATT, Mortgagor, and who signed the name of JAMES GRAHAM and wife, IRENE GRAHAM, Mortgagees, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same on the same day the same bears date, as the action of himself as auctioneer and the person conducting the same for Mortgagee, for and as the act of said mortgagee and as the actions of TIMOTHY E. WYATT, mortgagor, in the mortgage referred to in the foregoing deed.

In witness whereof, I have hereunto set my hand and seal on this the 16 day of January, 2006.

My Commission Expires
July 16, 2009

My Commission Expires:

Laurie A. Walden

Notary Public