

PREPARED BY: JASON LUTZ

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STATE OF ALABAMA

COUNTY OF SHELBY



20060413000172870 1/2 \$129.50
Shelby Cnty Judge of Probate, AL
04/13/2006 01:38:36PM FILED/CERT

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That:

WHEREAS, heretofore on September 5, 2001, **Jerry W Smitherman and Judy B Smitherman, Married, Party of the First Part**, executed a certain mortgage to **Mortgage Electronic Registration Systems, Inc.** is acting solely as nominee for **MortgageAmerica, Inc.** its successors and assigns, which said mortgage is recorded in Instrument No. 2001-39348, in the Office of the Judge of Probate of Shelby County, Alabama. , Party of the Second Part; and

WHEREAS, default in the payment of the indebtedness secured by said mortgage, and Mortgage Electronic Registration Systems, Inc. did declare all of the indebtedness secured by the 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, in accordance with the terms thereof, by publication in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, in its issues of 03/08, 03/15, 03/22; and

WHEREAS, on April 6, 2006, the day on which the foreclosure sale was due to be held under the terms of said notice, during the legal hours of sale, said foreclosure was duly and properly conducted and the person conducting the sale on behalf of the mortgagee did offer for sale and sell a public outcry, in front of the main entrance of the Courthouse, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the aforementioned mortgage was the bid of **WBH Investments, LLC** in the amount of **ONE HUNDRED THIRTEEN THOUSAND FOUR HUNDRED TWENTY-FIVE AND 64/100 DOLLARS (\$ 113,425.64)**; which the person conducting the sale on behalf of the mortgagee offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to **WBH Investments, LLC**; and

WHEREAS, **Karan G. Greer**, conducted said sale and acted as auctioneer thereat, under and pursuant to an appointment as such by the Party of the Second Part; and

WHEREAS, said mortgage expressly authorized the mortgagee or auctioneer or any person conducting said sale to execute to the purchaser at said sale a deed to the property so purchased.

NOW, THEREFORE, in consideration of the premises and the credit of **ONE HUNDRED THIRTEEN THOUSAND FOUR HUNDRED TWENTY-FIVE AND 64/100 DOLLARS (\$ 113,425.64)**, on the indebtedness secured by said mortgage, the parties of the First Part and the Party of the Second Part, both acting by and through the undersigned as their duly constituted and appointed attorney-in-fact and auctioneer at said sale, do hereby grant, bargain, sell and convey unto **WBH Investments, LLC**, and its successors and assigns, the following described real property, situated in Shelby County, Alabama, to-wit:

A parcel of land in the Northeast quarter of the Southwest quarter of Section 26, Township 20 South, Range 4 West, being a part of the same land described in, a deed to **Edgar J. and Mary Margaret Martin Whitfield**, recorded in Deed Book 220, at Page 953 of the real property records of Shelby County, Alabama. Said parcel of land being more particularly described as follows: Commencing at a 3 inch pipe and cap set by **US Steel** found for the Northeast corner of the Northeast quarter of the Southwest quarter of said Section 26; thence South 89 degrees 27

minutes 30 seconds West, along the North line of said Sixteenth Section, a distance of 249.00 feet to a 3/4 inch crimped pipe, found at the point of beginning; thence South 89 degrees 27 minutes 30 seconds West, along the North line of said Sixteenth Section, a distance of 223.84 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502", on the East right-of-way of County Highway No.93; thence South 36 degrees 58 minutes 08 seconds West, along said right-of-way, a distance of 265.93 feet, to a point; thence along a curve, to the left, in said right-of-way, having a radius of 805.81 feet and a chord bearing of South 35 degrees 11 minutes 25 seconds West, an arc length of 50.03 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence South 53 degrees 01 minutes 52 seconds East, a distance of 124.90 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 89 degrees 53 minutes 31 seconds East, a distance of 84.81 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 45 degrees 00 minutes 00 seconds East, a distance of 90 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 89 degrees 53 minutes 31 seconds East, a distance of 164.85 feet to a 1/2 inch rebar set, with a cap stamped "Wheeler-CA 0502"; thence North 00 degrees 06 minutes 29 seconds West, a distance of 266.47 feet to the point of beginning.

TO HAVE AND TO HOLD the above described property unto WBH Investments, LLC, its 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; also subject to ad valorem taxes, easements and/or restrictions of record, prior liens and/or assessments of record.


IN WITNESS WHEREOF, Jerry W Smitherman and Judy B Smitherman, Married and Mortgage Electronic Registration Systems, Inc. have set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the 6th day of April, 2006.

BY:

AS:

Karan G. Greer
Auctioneer and Attorney-in-fact

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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Karan G. Greer, whose name as attorney-in-fact and auctioneer for Jerry W Smitherman and Judy B Smitherman, Married and Mortgage Electronic Registration Systems, Inc., 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 said conveyance, he/she, in his/her capacity as such attorney-in-fact, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 6th day of April, 2006.

Honnie O. Butler
NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 23, 2008
FOR THE NOTARY PUBLIC UNDERWRITERS

Shelby County, AL 04/13/2006
State of Alabama

Deed Tax: \$113.50