20060627000307090 1/2 $18.00
Shelby Cnty Judge of Probate,AL
06/27/2006 09:50:48AM FILED/CERT

This instrument was prepared by:
Harold H. Goings
Spain & Gillon, LLC
2117 2nd Avenue North
Birmingham, AL 35203

STATE OF ALABAMA)

SHELBY COUNTY)

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That whereas heretofore on to-wit: the 30th day of July, 2004, Jimmy E. Winningham and Cynthia C. Winningham, husband and wife, executed a certain mortgage on the property hereinafter described to Mortgage Electronic Registration Systems, Inc., formerly as nominee for Hometown Mortgage Services, Inc., and currently as nominee for Netbank, as recorded in Instrument No. 20040806000441810 in the Probate Office of Shelby County, Alabama.

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 by publication once a week for three 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 Mortgage Electronic Registration Systems, Inc., 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, and of general circulation in Shelby County, Alabama, in its issues of May 3, May10 and May 17, 2006; and

WHEREAS, on the 5th day of June, 2006, the day on which the foreclosure was due to be held under the terms of said notice, between legal hours of sale, said foreclosure was duly and properly conducted, and Mortgage Electronic Registration Systems, Inc., did offer for sale and sell at public outcry in front of the Courthouse at Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Fran Clark was the Auctioneer who conducted said foreclosure sale and was the person conducting said sale for the said Mortgage Electronic Registration Systems, Inc.,; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of **Netbank** in the amount of **One Hundred Sixty-Two Thousand Six Hundred Eighty-Five and 63/100**Dollars (**$162,685.63**), which sum of money Mortgage Electronic Registration Systems, Inc., offered to credit on the indebtedness secured by said mortgage, the said Mortgage Electronic Registration Systems, Inc., by and through Fran Clark as Auctioneer conducting said sale and as attorney in fact for Mortgage Electronic Registration Systems, Inc., and the said Fran Clark as Auctioneer conducting said sale, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said **Netbank** the following described property situated in Shelby County, Alabama, to-wit:

Lot 8, according to the Survey of Chinaberry Subdivision, Phase I, Final Plat, as recorded in Map Book 32, Page 119, in the Probate Office of Shelby County, Alabama.

Foreclosure Services

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TO HAVE AND TO HOLD the above described property to **Netbank** 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.

IN WITNESS WHEREOF, Mortgage Electronic Registration Systems, Inc., has caused this instrument to be executed by and through Fran Clark as Auctioneer conducting said sale, and as Attorney in Fact, and Fran Clark, as Auctioneer conducting said sale has hereto set his hand and seal on this the 5th day of June, 2006.

Fran Clark
as Auctioneer and Attorney in Fact

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public for the State of Alabama, and said County, hereby certify that Fran Clark whose name as Auctioneer and Attorney in Fact for 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 the conveyance, he, in his capacity as said 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 5th day of June, 2006.

Notary Public
My Commission Expires: _____

PENNY FORTENBERRY
NOTARY PUBLIC
ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES
OCTOBER 6, 2008

GRANTEE'S ADDRESS:
9710 Two Notch Road
Columbia, SC 29223