


THIS INSTRUMENT WAS PREPARED BY:
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20071023000491600 1/2 \$15.00
Shelby Cnty Judge of Probate, AL
10/23/2007 02:59:22PM FILED/CERT

**STATE OF ALABAMA
SHELBY COUNTY**

MORTGAGE FORECLOSURE DEED

KNOWN ALL MEN BY THESE PRESENTS, that whereas, heretofore, on, to-wit: December 30, 2004, Phillip D. Rachels and his wife, Diane S. Rachels, executed a certain mortgage on property hereinafter described to Sherman Holland, Jr., which mortgage is recorded in Instrument 20041230000708310, in the Office of Probate of Shelby County, Alabama; and

WHEREAS, in and by said mortgage, the mortgagee was authorized and empowered in the 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 publishing in said county by publication once a week for three consecutive weeks prior to said sale at public outcry for cash, to the highest bidder; and

WHEREAS, Sherman Holland, Jr. died on or about May 6, 2007, and his estate was opened on or about May 25, 2007 in the Probate Court of Shelby County, Alabama, case number PR-2007-000272; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the Estate of Sherman Holland, Jr. did declare all of the indebtedness secured by 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 of general circulation published in Shelby County, Alabama, in its issues of August 8, 2007; August 15, 2007; and August 22, 2007; and

WHEREAS, on September 5, 2007, 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 the Estate of Sherman Holland, Jr., did offer for sale and sell at public outcry in front of the Courthouse door in Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Randall H. Bolen was was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for said Estate of Sherman Holland, Jr., and whereas the Estate of Sherman Holland, Jr. was the highest bidder and best bidder, in the amount of \$287,402.23 on the indebtedness secured by said mortgage, said Estate of Sherman Holland, Jr., by and through Randall H. Bolen, as auctioneer conducting said sale and as attorney-in-fact for Phillip D. Rachels and his wife, Diane S. Rachels, does hereby grant, bargain, sell, and convey unto the Estate of Sherman Holland, Jr., the following described property situated in Shelby County, Alabama, to-wit:

A parcel of land situated in Section 27, Township 22 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Commence at the northwest corner of said Section 27; thence run south 88 degrees 54 minutes 12 seconds east along the said north line for a distance of 1864.37 feet to the point of beginning; thence continue along the said north line for a distance of 299.43 feet; thence departing said north line run south 25 degrees 06 minutes 32 seconds west for a distance of 166.53 feet; thence run south 39 degrees 13 minutes 25 seconds west for a distance of 115.89 feet; thence run south 46 degrees 41 minutes 32 seconds

west for a distance of 144.35 feet; thence run north 59 degrees 51 minutes 54 seconds west for a distance of 59.39 feet to a point on a non-tangent curve to the left having a radius of 105.00 feet, a central angle of 132 degrees 32 minutes 14 seconds; and subtended by a chord which bears north 73 degrees 30 minutes 05 seconds west, a chord distance of 192.24 feet; thence along the arc of said curve for an arc distance of 242.89 feet; thence run north 49 degrees 46 minutes 12 seconds west for a distance of 10.17 feet; thence run north 40 degrees 13 minutes 48 seconds east for a distance of 44.33 feet; thence run north 36 degrees 42 minutes 51 seconds east for a distance of 275.05 feet to the point of beginning. The above described parcel contains 2.05 acres more or less.

TO HAVE AND TO HOLD the above-described property unto its heirs and assigns forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama.

IN WITNESS WHEREOF, the Estate of Sherman Holland, Jr., has caused this instrument to be executed by and through Randall H. Bolen as Auctioneer conducting the said sale and as Attorney-in-Fact, and Randall H. Bolen as Auctioneer Conducting Said Sale has hereto set his hand and seal on this 9th day of October, 2007.

Phillip D. Rachels and wife, Diane S. Rachels,

By: 
RANDALL H. BOLEN, ATTORNEY-IN-FACT

The Estate of Sherman Holland, Jr.,

By: 
RANDALL H. BOLEN
AUCTIONEER AND ATTORNEY-IN-FACT

By: 
RANDALL H. BOLEN
AUCTIONEER CONDUCTING SAID SALE

**STATE OF ALABAMA
COUNTY OF SHELBY**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Randall H. Bolen, whose name as Attorney-in-Fact for Phillip D. Rachels and his wife Diane S. Rachels, and as Auctioneer and Attorney-in-Fact for the Estate of Sherman Holland, Jr., and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 9th day of October, 2007.


Notary Public
My Commission expires: 7.21.10