

20081219000471560 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
12/19/2008 02:54:17PM FILED/CERT

THIS INSTRUMENT PREPARED BY:

Jerry C. Oldshue, Jr.
ROSEN HARWOOD, P.A.
2117 Jack Warner Parkway
Post Office Box 2727
Tuscaloosa, AL 35403
(205) 344-5000

STATE OF ALABAMA *
 *
COUNTY OF SHELBY *

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That, whereas: On the 5th day of March 2007, TERRY D. SMITH and wife, BRENDA JOYCE SMITH, executed a certain mortgage on the property hereinafter described to VANDERBILT MORTGAGE AND FINANCE, INC., which said mortgage is Instrument #20070314000115160 in the office of the Probate Judge 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 by publication once a week for three (3) 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 therefore; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said VANDERBILT MORTGAGE AND FINANCE, 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 Birmingham News*, a newspaper of general circulation in Shelby County, Alabama, in its issues of November 11, November 18, and November 25, 2008; and

WHEREAS, on December 3, 2008, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, the foreclosure was duly and properly conducted, and VANDERBILT MORTGAGE AND FINANCE, INC., did offer for sale and sell at public outcry in front of the main entrance of the Courthouse in Columbiana, Alabama, the property hereinafter described; and

WHEREAS, MICHAEL T. ATCHISON was the Auctioneer who conducted said foreclosure sale and was the person conducting said sale for the said VANDERBILT MORTGAGE AND FINANCE, INC.; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of VANDERBILT MORTGAGE AND FINANCE, INC., in the amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, which sum of money VANDERBILT MORTGAGE AND FINANCE, INC., offered to credit on the indebtedness secured by said mortgage and said property was thereupon sold to VANDERBILT MORTGAGE AND FINANCE, INC.


NOW THEREFORE, in consideration of the premises and of a credit in the amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, on the indebtedness secured by said mortgage, the said VANDERBILT MORTGAGE AND FINANCE, INC., by and through MICHAEL T. ATCHISON, as Auctioneer conducting said sale as attorney in fact for VANDERBILT MORTGAGE AND FINANCE, INC., and the said MICHAEL T. ATCHISON, as the Auctioneer conducting said sale, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said VANDERBILT MORTGAGE AND FINANCE, INC., the following described real property situated in Shelby County, Alabama, to wit:

Commence at the Southwest corner of Block 145, Dunstan's Map of Calera, said point being the point of beginning; thence run easterly along South line of said Block 145 a distance of 100 feet; thence run in a northerly direction parallel to the West line of said Block 145 a distance of 100 feet; thence in a Westerly direction parallel to the South line of said Block 145 a distance of 100 feet to a point on the West line of said Block 145, also being on the East right of way of L & N Railroad; thence run Southerly along said West line of said Block 145 a distance of 100 feet, more or less to the point of beginning. Situated in Shelby County, Alabama.

Mineral and mining rights excepted.

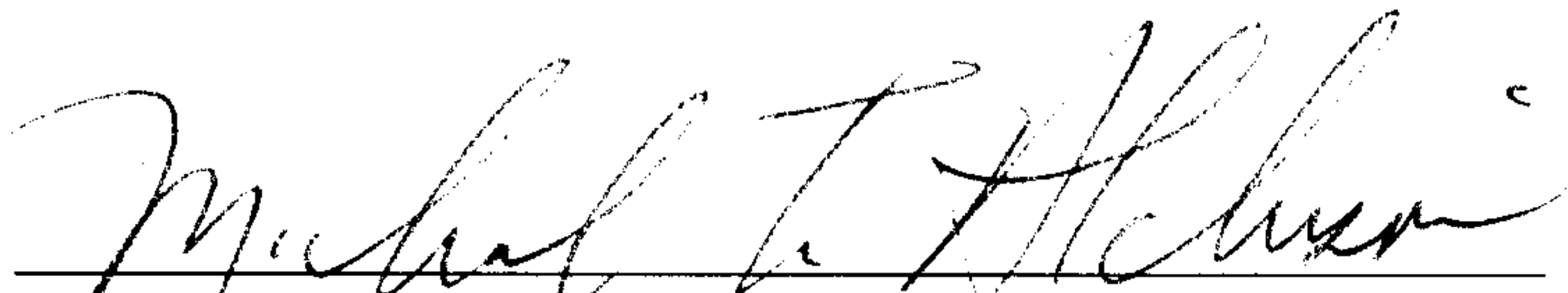
Subject to taxes, easements, and restrictions of record.

INCLUDING a security interest in one (1) 2000 Clayton Riverbirch manufactured home, Serial No. RBAL9927199AB.


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TO HAVE AND TO HOLD the above described property unto VANDERBILT MORTGAGE AND FINANCE, INC., 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.

IN WITNESS WHEREOF, VANDERBILT MORTGAGE AND FINANCE, INC., has caused this instrument to be executed by and through MICHAEL T. ATCHISON, as Auctioneer conducting said sale, who has hereunto set his hand and seal on this the 8th day of December 2008.


MICHAEL T. ATCHISON
Auctioneer and Attorney in Fact

STATE OF ALABAMA

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COUNTY OF SHELBY

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I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that MICHAEL T. ATCHISON, whose name as Auctioneer and Attorney in Fact for VANDERBILT MORTGAGE AND FINANCE, 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 8th day of December 2008.


Notary Public

My Commission Expires:

10/16/2012

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SEND ALL TAX NOTICES TO:

VANDERBILT MORTGAGE AND FINANCE, INC.
P.O. Box 9800
Maryville, TN 37802