

SEND TAX NOTICE TO:
EverHome Mortgage Company
8100 Nations Way
Jacksonville, FL 32256

CM #: 132890

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 26th day of July, 2006, James J Kincade and Sarah E Moxley are single persons, executed that certain mortgage on real property hereinafter described to Regions Bank d.b.a. Regions Mortgage, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Bk: 0397 Pg: 0396, said mortgage having subsequently been transferred and assigned to EverBank, by instrument recorded in Book 2008, Page 143491, in the aforesaid Probate Office ("Mortgagee"); and

WHEREAS, in and by said mortgage, the Mortgagee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, 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 County 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 thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said EverBank 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 September 30, 2009, October 7, 2008, and October 14, 2009; and

WHEREAS, on November 3, 2009, 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 EverBank 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, Aaron Nelson was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said EverBank ; and

WHEREAS, EverBank, was the highest bidder and best bidder in the amount of Eighty-Seven Thousand Nine Hundred Twenty-Two And 64/100 Dollars (\$87,922.64) on the indebtedness secured by said mortgage, the said EverBank, by and through Aaron Nelson as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, does hereby grant, bargain, sell and convey unto EverBank, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Begin at the Southwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 31, Township 24 North, Range 13 East; thence run East along the South line of the Northeast 1/4 of the Northwest 1/4 for 351.00 feet; thence turn an angle to the left of 92 degrees 20 minutes 16 seconds and run North for 368.15 feet to the South right-of-way of Chilton County Road No. 46; thence turn an angle to the left of 86 degrees 15 minutes 13 seconds and run West along the South right-of-way for 162.84 feet to the point of commencement of a curve to the right with a central angle of 5 degrees 32 minutes 00 seconds and a radius of 1933.34 feet; thence run in a Westerly direction along the South right-of-way for 186.71 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4; thence turn an angle from the tangent if extended to said curve of 98 degrees 51 minutes 56 seconds and run South for 385.67 feet to the point of beginning.

TO HAVE AND TO HOLD the above described property unto EverBank its successors/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; and also subject to all



20091113000424460 2/3 \$20.00
Shelby Cnty Judge of Probate, AL
11/13/2009 01:15:18 PM FILED/CERT

recorded mortgages, encumbrances, recorded or unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record in the aforesaid Probate Office.

IN WITNESS WHEREOF, EverBank, has caused this instrument to be executed by and through Aaron Nelson, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Nelson, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this November 3, 2009.

EverBank

By:

Aaron Nelson
Aaron Nelson, Auctioneer and Attorney-in-Fact

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Aaron Nelson, acting in his/her capacity as auctioneer and attorney-in-fact for EverBank, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Mortgagee acting in his/her capacity as auctioneer and Attorney-in-fact for said Transferee.

Given under my hand and official seal on this November 3, 2009.

Bonney Michele Hansen
Notary Public

My Commission Expires: MY COMMISSION EXPIRES FEBRUARY 26, 2012

This instrument prepared by:
Cynthia W. Williams
SIROTE & PERMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727



20091113000424460 3/3 \$20.00
Shelby Cnty Judge of Probate, AL
11/13/2009 01:15:18 PM FILED/CERT