

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

CM #: 149856

STATE OF ALABAMA )

COUNTY OF SHELBY )

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 13th day of April, 2009, Jay L. Fitzgerald, a single man, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc. solely as nominee for Everbank, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number: 20090424000151230, said mortgage having subsequently been transferred and assigned to Everhome Mortgage Company , ("Transferee"); and

WHEREAS, in and by said mortgage, the Transferee 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 Transferee or any person conducting said sale for the Transferee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Transferee 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 EverHome Mortgage Company 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 January 20, 2010, January 27, 2010, and February 3, 2010; and

WHEREAS, on March 12, 2010, 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 EverHome Mortgage Company 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 Warner was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said EverHome Mortgage Company ; and

WHEREAS, EverHome Mortgage Company, was the highest bidder and best bidder in the amount of One Hundred Fifty Thousand Three Hundred Sixty-Five And 25/100 Dollars (\$150,365.25) on the indebtedness secured by said mortgage, the said EverHome Mortgage Company, by and through Aaron Warner as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto EverHome Mortgage Company, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 34, according to the Survey of Shiloh Creek Sector One Plat One, as recorded in Map Book 38, Page 45, in the Office of the Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto EverHome Mortgage Company 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 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, EverHome Mortgage Company, has caused this instrument to be executed by and through Aaron Warner, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Warner, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this March 12, 2010.





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Shelby Cnty Judge of Probate, AL  
03/23/2010 12:08:28 PM FILED/CERT

EverHome Mortgage Company

By:

Aaron Warner, 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 Warner, acting in his/her capacity as auctioneer and attorney-in-fact for EverHome Mortgage Company, 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 Transferee acting in his/her capacity as auctioneer and Attorney-in-fact for said Transferee.

Given under my hand and official seal on this March 12, 2010.

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

