

THIS INSTRUMENT WAS PREPARED BY:
FOSTER D. KEY, ATTORNEY AT LAW
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20120130000033930 1/3 \$19.00
Shelby Cnty Judge of Probate, AL
01/30/2012 12:09:11 PM FILED/CERT

STATE OF ALABAMA
SHELBY COUNTY

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that whereas, heretofore, on, to-wit: on **July 02, 2007**, **A. F. Casey, a married man**, executed a certain mortgage on property hereinafter described to **Elwyn Bearden and Debby Bearden**, which mortgage is recorded as **Instrument Number 20070706000319860, Record of Mortgages, in the Office of the Judge 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, default was made in the payment of the indebtedness secured by said mortgage, and **Elwyn Bearden and Debby Bearden**, 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 **December 28, 2011; January 04, 2012; and January 11, 2012**; and

WHEREAS, on **January 26th, 2012**, 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 **Elwyn Bearden and Debby Bearden**, 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, Foster D. Key was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for said **Elwyn Bearden and Debby Bearden**, and whereas **Elwyn Bearden and Debby Bearden** was the highest bidder and best bidder, in the amount of **One Hundred Twenty Nine Thousand Dollars and 00/100 (\$129,000.00)** on the indebtedness secured by said mortgage, said **Elwyn Bearden and Debby Bearden**, by and through Foster D. Key as auctioneer conducting said sale and as attorney-in-fact for **A. F. Casey, a married man**, does hereby grant, bargain, sell and convey unto **Elwyn Bearden and Debby Bearden, as joint tenants with right of survivorship**, the following-described property situated in **Shelby County, Alabama**, to-wit:

A part of the NW 1/4 of the SW 1/4 of Section 6, Township 20 South, Range 2 West and the NE 1/4 of the SE 1/4 of Section 1, Township 20 South, Range 3 West:

Beginning at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama and run thence South 89 degrees 15 minutes 57 seconds East along the North line of said 1/4 1/4 a distance of 274.89 feet to a P.K. nail corner on the Westerly margin of Highway 31 A.K.A. Pelham Parkway; thence run South 27 degrees 35 minutes 30 seconds West along said margin of said Highway a distance of

247.12 feet to a steel rebar corner; thence run North 67 degrees 23 minutes 27 seconds West a distance of 173.65 feet to a steel rebar corner; thence run North 36 degrees 40 minutes 19 seconds East a distance of 46.35 feet to a steel rebar corner; thence run North 35 degrees 01 minute 49 seconds West a distance of 48.32 feet to a steel rebar corner on the West line of said 1/4 1/4 section; thence run North 00 degrees 02 minutes 19 seconds West along said 1/4 1/4 line a distance of 79.04 feet to the point of beginning.

Also, a 20 foot wide easement for the installation and maintenance of a sanitary sewer to serve this property the centerline of which is described as follows:

Beginning at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama and run thence South 00 degrees 02 minutes 19 seconds East along said East line of said 1/4 1/4 a distance of 79.04 feet to a point; thence run South 35 degrees 01 minute 49 seconds East a distance of 48.32 feet to a point; thence run South 36 degrees 40 minutes 19 seconds East a distance of 35.39 feet to the point of beginning on the centerline of a 20 foot wide easement being described; thence run North 86 degrees 17 minutes 19 seconds West a distance of 45.65 feet to a point and the end of required easement.

All being situated in Shelby County, Alabama.

AND:

A parcel of land located in the NW 1/4 of Section 6, Township 20 South, Range 2 West, more particularly described as follows: Begin at the SW corner of the SW 1/4 of the NW 1/4 of said Section 6; thence in a Northerly direction along the Westerly line of said Section 6 a distance of 85.98 feet; thence 115 degrees 48 minutes 54 seconds right in a Southeasterly direction a distance of 203.09 feet; thence 154 degrees 57 minutes 28 seconds right in a Westerly direction a distance of 182.85 feet to the point of beginning.

LESS AND EXCEPT:

A parcel of land located in the NW 1/4 of Section 6, Township 20 South, Range 2 West, more particularly described as follows:

Commence at the Southwest corner of the SW 1/4 of the NW 1/4 of said Section 6; thence in a Northerly direction along the Westerly line of said Section 6, a distance of 85.98 feet; thence 115 degrees 48 minutes 54 seconds right in a Southeasterly direction a distance of 203.09 feet to the POINT OF BEGINNING; thence continue along the last described course a distance of 82.59 feet to a point on the Northwesterly right-of-way line of U.S. Highway 31; thence 88 degrees 13 minutes 29 seconds left in a Northeasterly direction along said right-of-way line a distance of 39.17 feet; thence 116 degrees 49 minutes 03 seconds left in a Westerly direction a distance of 92.49 feet to the point of beginning.

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, Elwyn Bearden and Debby Bearden, has caused this instrument to be executed by and through Foster D. Key as Auctioneer Conducting the Said Sale and as Attorney-in-Fact, and Foster D. Key as Auctioneer Conducting Said Sale has hereto set his hand and seal on this 26th day of January, 2012.

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A. F. Casey, a married man,

By: *Foster D. Key*
FOSTER D. KEY, ATTORNEY-IN-FACT

Elwyn Bearden and Debby Bearden,

By: *Foster D. Key*
FOSTER D. KEY
AUCTIONEER AND ATTORNEY-IN-FACT

By: *Foster D. Key*
FOSTER D. KEY
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 Foster D. Key, **whose name as Attorney-in-Fact for A. F. Casey, a married man,** and as Auctioneer and Attorney-in-Fact for **Elwyn Bearden and Debby Bearden,** 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 **26th day of January, 2012.**

Brandy D. Shawhom
Notary Public
My Commission expires. 2/13/13