

STATE OF ALABAMA)

COMMISSIONER'S DEED

LIMESTONE COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That Whereas, at a sale made by the **Fowler Auction and Real Estate Service, Inc.**, an Alabama Corporation organized and existing under the laws of the State of Alabama, under Decree rendered by the Circuit Court of Shelby County, Alabama, in a certain cause entitled: **REDA CHERYL ARNETT DAVIS, as Plaintiff, vs. JACKIE ELAINE SCOTT, FORUM GREEN, INC., and ALABAMA MEDICAID AGENCY as Defendants, in Case Number: 58-CV-2016-900078**, on the 25th day of January, 2018, said sale having been made by public outcry at the location of the property after having been duly advertised by publication for three (3) successive weeks in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, and the **City of Chelsea, Alabama, a Municipal Corporation**, being the highest and best bidder at said sale, became the purchaser of the real estate hereinafter described real estate at a bid price of **\$65,000.00, plus a ten (10%) percent Buyer's premium of \$6,500.00, totaling \$71,500.00.**

NOW, THEREFORE, in consideration of the premises and the sum of **SEVENTY ONE THOUSAND FIVE HUNDRED (\$71,500.00) DOLLARS**, the receipt whereof is hereby acknowledged, the undersigned, as **Commissioner**, under and by virtue of the authority vested in me by Decree of said Court entered in said cause on January 25, 2018, does hereby grant, bargain, sell and convey unto the **City of Chelsea, Alabama, a Municipal Corporation**, all the right, title and interest of the parties to this proceeding in and to the following described tract or parcel of land lying and being in Limestone County, Alabama, to-wit:

TRACT 1:

Commence at the SW corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, Township 19 South, Range 1 West; thence run East along the South line of said quarter-quarter section a distance of 150.23 feet to point of beginning; thence turn an angle of 90 deg. 11 min. 56 sec. to the left and run a distance of 307.64 feet; thence turn angle of 90 deg. 04 min. 46 sec. to the right and run a distance of 721.23 feet to the West R.O.W. line of paved County Hwy. No. 47; thence turn an angle of 72 deg. 13 min. 03 sec. to the right, to the Tangent of a R.O.W. curve, and run along said R.O.W. curve, (whose Delta Angle is 5 deg. 16 min. 45 sec to the left, Radius is 3,584.26 feet, Tangent distance is 165.24 feet, Length of Arc is 330.24 feet, Cord distance is 330.13 deg.) to the South line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence turn an angle right 113 deg. 10 min. 53 sec. to the right from Tangent of said curve and run West along the South line of said quarter-quarter section a distance of 836.00 feet to the point of beginning. Situated in the SW $\frac{1}{4}$

of the NE ¼ of Section 34, Township 19 South, Range 1 West, Shelby County, Alabama, and containing approximately 5.519 acres more or less.

Ad valorem taxes for the year 2018 shall be prorated between the parties as of the delivery date of this deed.

TO HAVE AND TO HOLD the above granted premises unto the said City of Chelsea, Alabama, a Municipal Corporation, its successors and assigns, forever.

IN WITNESS WHEREOF, Fowler Auction and Real Estate Services, Inc., as Commissioner, has caused this instrument to be executed this 22nd day of February, 2018.

FOWLER AUCTION AND REAL
ESTATE SERVICES, INC., Commissioner

BY: Mickey Fowler
Its President

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Mickey Fowler, whose name as President of FOWLER AUCTION AND REAL ESTATE SERVICES, INC., an Alabama Corporation organized and existing under the laws of the State of Alabama, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation as Commissioner, under authority of that certain Decree of the Circuit Court of Limestone County, in that certain cause entitled: *REDA CHERYL ARNETT DAVIS as Plaintiff, vs. JACKIE ELAINE SCOTT, FORUM GREEN, INC., and ALABAMA MEDICAID AGENCY as Defendants, in Case Number: 58-CV-2016-900078*, on the day the same bears date.

Given under my hand this the 22nd day of February, 2018.

Micki A. Brackeen
Notary Public

THIS INSTRUMENT PREPARED BY:
JERE C. TRENT
ATTORNEY AT LAW
105 SOUTH MARION STREET
ATHENS, ALABAMA 35611

REAL ESTATE SALES VALIDATION

Section 40-22-1, Code of Alabama 1975

The following information is provided to comply with recordation requirements of Alabama law concerning the conveyance of the real and/or personal property described above.

1. **Name and Mailing Address of Grantor(s):** Fowler Auction and Real Estate Services, Inc., as Commissioner, 8719 Highway 53, Toney, Alabama 35773.

2. **Name and Mailing Address of Grantee(s):** City of Chelsea, Alabama, a Municipal Corporation: 11611 Chelsea Road, Chelsea, Alabama 35043

3. **Physical Address of Property (if available):** 5.519 acres +/- Chelsea Road, Chelsea, Alabama 35043

4. **Date of Conveyance:** _____

5. **Aggregate Purchase Price:** \$71,500.00
Bid Price to Seller: \$65,000.00

Proof of the Actual Purchase Price or Value of the real and/or personal property, as applicable, can be verified by a closing document or other documents, e.g., contract, bill of sale, appraisal, tax assessment, etc., in the office of the preparer of this document.

6. **Exceptions:**

Section 40-22-1(b), states that the tax is not required in the following instances:

(Check Applicable Transaction)

() a. transfer of mortgages upon which the tax has already been paid;

() b. deeds or other instruments executed for a nominal consideration for the purpose of perfecting title to the real property;

() c. re-recordation of the following instruments: corrected mortgages; deeds; instruments executed for the purpose of perfecting title to the property; and instruments executed prior to October 1, 1923.

7. **Attestation:**

To the best of the knowledge and belief of the undersigned, the information contained in this validation is true and accurate. The undersigned further understands that any false statements might result in the imposition of a penalty pursuant to Alabama law. This attestation and the information provided above are submitted in good faith.

This the 22nd day of February, 2018.

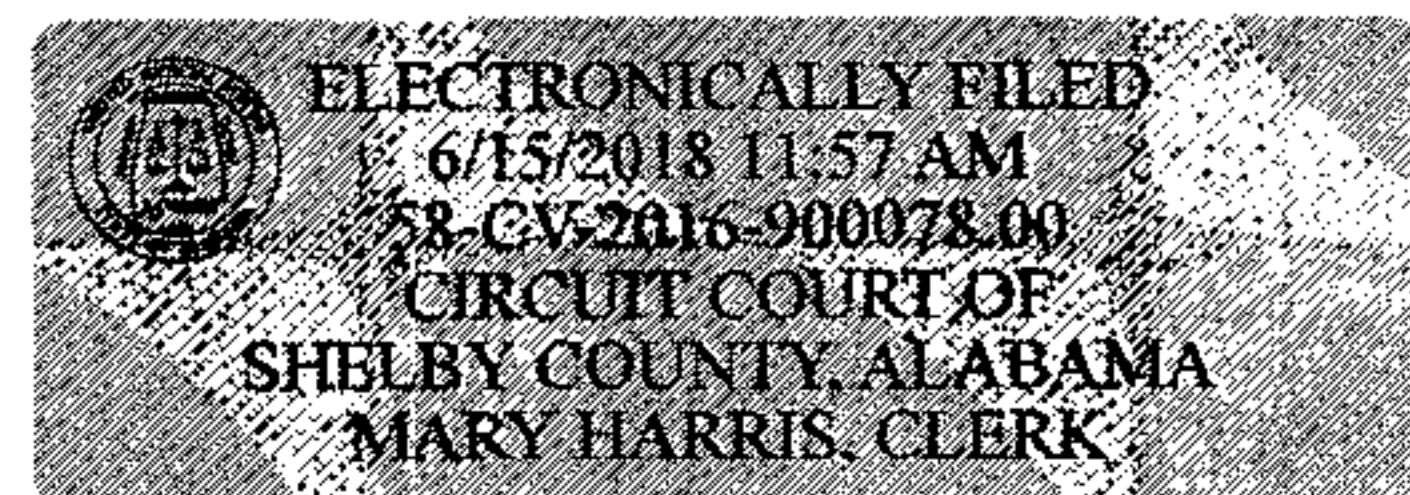
**FOWLER AUCTION AND REAL
ESTATE SERVICES, INC., Commissioner**

BY: Mick Fowler
Its President

Sworn to and subscribed before me by the above named Grantor on this 22nd day of February, 2018.

Mickael Brackeen
Notary Public

(Notarial Seal)



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

REDA ARNETT DAVIS,

Plaintiff,

v

**JACKIE ELAINE SCOTT,
FORUM GREEN, INC., and
ALABAMA MEDICAID AGENCY,**

Defendants.

Case No.: CV-2016-900078

(See attached document)

AMENDED ORDER CONFIRMING THE SALE NUNC PRO TUNC
(TRACT 1 ONLY/CITY OF CHELSEA)

Upon consideration of the pleadings filed in this cause, the Affidavit of William E. Swatek, Esquire, the Auctioneer's Report of Sale filed on November 22, 2017, the Amended Motion of the Plaintiff as to Tract 1 (Chelsea), and no objections having been filed thereto, the Court finds that the Order Confirming the Sale is due to be amended under Rule 60(a) of the *Alabama Rules of Procedure Nunc Pro Tunc*.

It is therefore **ORDERED** as follows:

1. That the aggregate purchase price of the real property is not greatly less than its real value.*
2. That the sale was held in conformity with the Court's Judgment Order of August 22, 2017.
3. There have been no objections filed opposing the Auctioneer's Report of Sale.
4. Plaintiff's attorneys' fees in the amount of \$8,000.00 is determined to be reasonable and consistent with attorney's fees for similar services rendered in Shelby and surrounding counties in Alabama.

*The Blackerby sale has been closed without title insurance (Tract 2) and is not part of this Order.

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5. That the legal description to said real property is set out as Tract 1 (Exhibit A).
6. Said matter and Order only pertains to Tract 1 (City of Chelsea Sale).
7. That the Auctioneer's Report of Sale, dated November 22, 2017, be and is hereby approved, ratified and confirmed as to its contents and distribution. That the Commissioner Deed shall convey to the purchaser (City of Chelsea) all rights to and interest of both the Plaintiff and the Defendants (Jacki Elaine Scott, Forum Green, Inc. and Alabama Medicaid Agency). All pending claims of any nature shall be transferred to the net proceeds of this sale and said property shall be conveyed free and clear of all claims of any nature against the real property.
8. That the Auctioneer shall execute a Commissioner's Deed to Purchasers as to Tract 1.
9. That the closing of this transaction shall be coordinated through the office of the Honorable Jere C. Trent and/or M. Wayne Wheeler. That upon the payment of the purchase price by the City of Chelsea, the closing attorney shall disburse the sale proceeds as follows:

A. Fowler Auction & Real Estate.

1. \$6,500.00 to FOWLER AUCTION & REAL ESTATE, which is a ten percent (10%) Buyer's Premium of the sale of Tract 1 of the real property.
2. \$1,500.00 to FOWLER AUCTION & REAL ESTATE, which is a ten percent (10%) Buyer's Premium of the sale of Tract 1 of the real property.
3. \$2,500.00 to FOWLER AUCTION & REAL ESTATE, which represents the marketing expenses of the sale of the real property. The total payment to the auction company shall be \$10,500.00.


B. Ad valorem taxes to be paid and prorated as of the date of closing.

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65,000
8,000
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9,500
1,500
11,000

- C. Attorneys' fee of \$8,000.00 shall be paid to the Plaintiff's attorneys of record for services rendered in this cause of action.
- D. Standard closing costs to be split between the parties by the closing attorney.
10. That the real property cannot be partitioned or equitable divided in kind between the parties.
11. Jackie Elaine Scott is the owner of an undivided one-half interest; and the Estate of Lenora Carol Davis Angrisano, deceased, as the owner of the other undivided one-half interest.
12. Said interests of all the parties shall remain subject to a claim determination to be approved by the Probate Court of Limestone County, Alabama.
13. That the closing attorney (M. Wayne Wheeler) after payment of standard closing costs (one-half to Seller and one-half to Purchaser) shall make the following trust distributions.
- A. The sum of \$8,000.00 to J. Cooper Trent.
- B. The sum of \$10,500.00 to Fowler Auction and Real Estate.
- C. The net proceeds to be paid to Attorney Jere C. Trent to be placed in his trust account to hold said funds pending final order of the Probate Court of Limestone County (Estate of Lenora Carol Davis Angrisano Personal Representative Reda C. Davis).
14. It is further **ORDERED** that upon the closing of all of the sale transactions involved in this proceeding, the Personal Representative's attorney shall report the closing of the transaction to the Court.



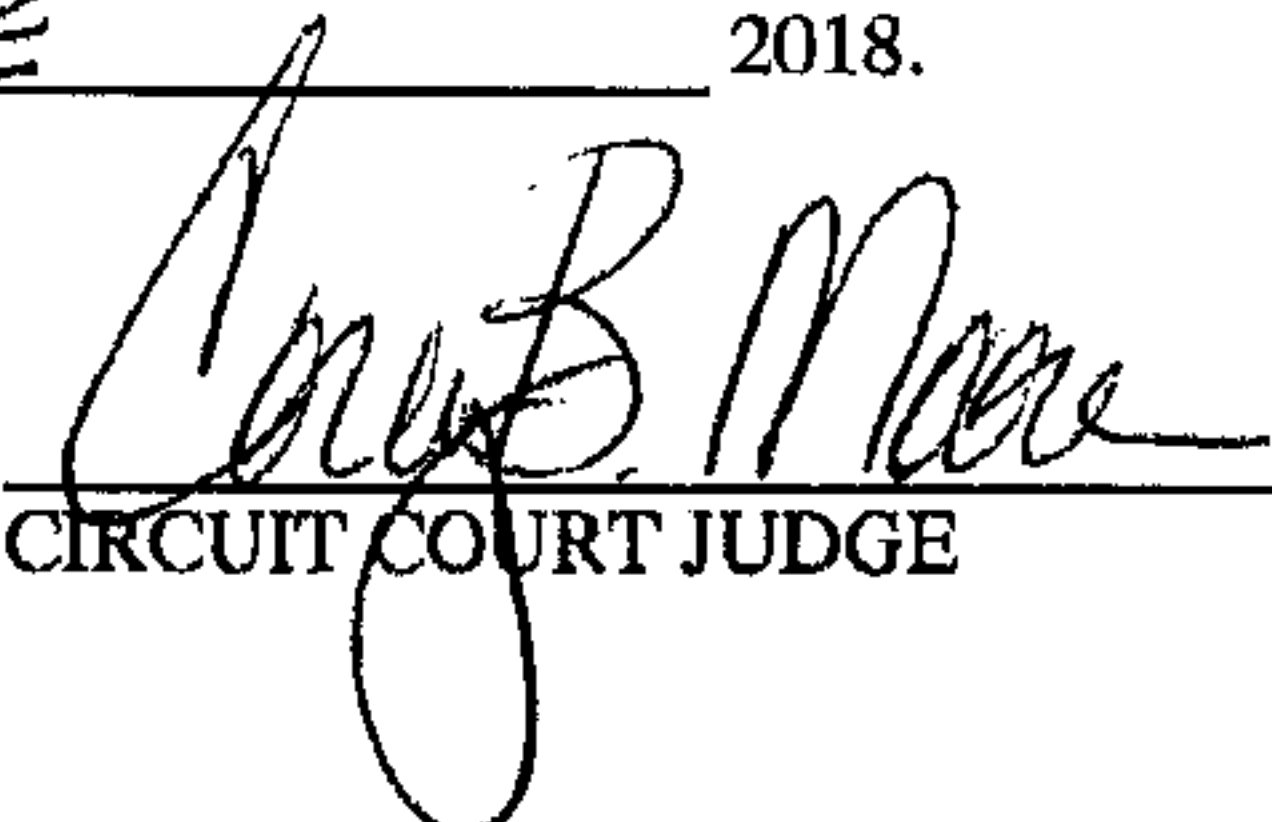
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15. It is further **ORDERED** that after closing in the above transaction, the Personal Representative shall proceed toward making a final settlement of this estate as soon as is reasonably possible.
16. Upon closing and disbursement, this Order is hereby made final. There being no reason for delay and upon an express finding the matter concluded as a Rule 54(b) Order.
17. Costs taxed as paid.

Done this the 15th day of JUNE 2018.


CIRCUIT COURT JUDGE


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Shelby Cnty Judge of Probate, AL
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