

STATE OF ALABAMA )  
SHELBY COUNTY )

4011

94  
SEND TAX NOTICE TO:

BancBoston Mortgage Corporation  
Post Office Box 7565-A  
Birmingham, Alabama 35253

**FORECLOSURE DEED**

**KNOW ALL MEN BY THESE PRESENTS, THAT:**

**WHEREAS**, heretofore on, to-wit: April 15, 1987, Blakely-Chaz, Inc. executed a mortgage on the property hereinafter described to Stockton, Whatley, Davin & Company, which said mortgage is recorded in Book 125, Pages 776 et seq. and Book 149, Pages 842 et seq. in the Office of the Judge of Probate of Shelby County, Alabama and in Real Volume 3163, Pages 622 et seq. in the Office of the Judge of Probate of Jefferson 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 Shelby County 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 the 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 therefor; and

**WHEREAS**, default was made in the payment of the indebtedness secured by said mortgage, and BancBoston Mortgage Corporation, successor by merger to the aforesaid Stockton, Whatley, Davin & Company, 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 Shelby County Reporter, a newspaper published in Shelby County, Alabama, and of

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*Burr E. Forman*  
3000 South Trust Tower  
B'ham 35203

general circulation in Shelby County, Alabama, in its issues of September 27, October 4 and 11, 1989, and by publication in the Alabama Messenger, a newspaper published in Jefferson County, Alabama, and of general circulation in Jefferson County, Alabama, in its issues of September 23 and 30, and October 7, 1989; and

WHEREAS, on October 19, 1989 at 12:00 o'clock noon the day and time which the foreclosure was due to be held under the terms of said notice, said foreclosure was duly and properly conducted in strict compliance with the procedure described in the said notice, and BancBoston Mortgage Corporation did offer for sale and sell at public outcry in front of the Main Street entrance of the Shelby County Courthouse in the City of Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, James J. Robinson was the Auctioneer who conducted said foreclosure sale and was the person conducting said sale for the said BancBoston Mortgage Corporation; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of BancBoston Mortgage Corporation in the amount of One Million, Two Hundred Two Thousand, Five Hundred and No/100 Dollars (\$1,202,500.00), which sum of money was credited on the indebtedness secured by said mortgage and said property was thereupon sold to BancBoston Mortgage Corporation.

NOW, THEREFORE, in consideration of the premises and of a credit in the amount of One Million, Two Hundred Two Thousand, Five Hundred and No/100 Dollars (\$1,202,500.00), on the indebtedness secured by said mortgage, the said BancBoston Mortgage Corporation, by and through James J. Robinson, as Auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the said BancBoston Mortgage Corporation, the property described in Schedule "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above-described property unto BancBoston Mortgage Corporation, its successors and assigns in fee simple 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, BancBoston Mortgage Corporation has caused this instrument to be executed by and through James J. Robinson, as Auctioneer conducting said sale, and as attorney in fact, and James J. Robinson, as Auctioneer conducting said sale, has hereunto set his hand and seal on this the 19th day of October, 1989.

BANCBOSTON MORTGAGE CORPORATION,  
SUCCESSOR TO STOCKTON, WHATLEY,  
DAVIN & COMPANY

By:

James J. Robinson  
As Auctioneer and Attorney in Fact

James J. Robinson  
As Auctioneer and Attorney in Fact

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that James J. Robinson, whose name as Auctioneer and Attorney in Fact for BancBoston Mortgage Corporation, 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 such Auctioneer and Attorney in Fact, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of October, 1989.

Mary B. Chapuis  
Notary Public

This instrument was prepared by James J. Robinson, Attorney at Law, 3000 SouthTrust Tower, Birmingham, Alabama 35203.

## SCHEDULE "A"

## PARCEL 1

BOOK 264 PAGE 230

Begin at the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of Section 17, Township 19, Range 2 West; thence run South along the East line of said 1/4 1/4 635.00 feet; thence turn 120 deg. 48 min. 45 sec. right and run Northwesterly 371.03 feet; thence turn 16 deg. 00 min. 56 sec. right and run Northwesterly 61.84 feet; thence turn 13 deg. 41 min. 05 sec. left and run Northwesterly 168.90 feet; thence turn 13 deg. 09 min. 19 sec. left and run Northwesterly 110.0 feet; thence turn 31 deg. 54 min. 03 sec. left and run Southwesterly 235 feet; thence turn 7 deg. 32 min. 52 sec. right and run Westerly 40.0 feet; thence turn 33 deg. 08 min. 02 sec. left and run Southwesterly 190 feet; thence turn 7 deg. 31 min. 20 sec. left and run Southwesterly 414.65 feet to a point on the West line of said 1/4 1/4; thence turn 134 deg. 56 min. 20 sec. right and run North 625.51 feet; thence turn 57 deg. 30 min. right and run Northeasterly 255 feet; thence turn 18 deg. 04 min. 03 sec. right and run Northeasterly 224.04 feet; thence turn 08 deg. 38 min. 21 sec. right and run Northeasterly 60.00 feet; thence turn 59 deg. left and run Northeasterly 220.00 feet to a point on the arc of a curve to the right having a central angle of 175 deg. 20 min. and a radius of 50 feet; thence turn 90 deg. left to the tangent of said curve and run along the arc 153.01 feet to the point of beginning of a curve to the left having a central angle of 42 deg. 50 min. and a radius of 25 feet; thence run along the arc of said curve Northeasterly 18.69 feet; thence continue on the tangent if extended and run Northeasterly 73.55 feet; thence turn 81 deg. 23 min. 15 sec. left and run Northwesterly 207.16 feet; thence turn 86 deg. 23 min. 15 sec. right and run Northeasterly 240.0 feet; thence turn 21 deg. 30 min. right and run Southeasterly 240.0 feet; thence turn 57 deg. left and run Northeasterly 310.00 feet; thence turn 17 deg. 17 min. 19 sec. right and run Northeasterly 597.37 feet; thence turn 4 deg. 39 min. 13 sec. left and run Northeasterly 103.81 feet to a point on the North line of the Northwest 1/4 of the Northeast 1/4 of said Section 17; thence turn 41 deg. 21 min. 08 sec. right and run East along the North line of said 1/4 1/4 763.19 feet to the Northeast corner thereof; thence turn 134 deg. 02 min. 15 sec. right and run Southwesterly 1867.34 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

A non-exclusive easement for vehicular and pedestrian ingress and egress over and across the following described lands:

A sixty (60) foot right-of-way the centerline of which is described as follows:

Commence at the NW corner of the SW 1/4 of the NE 1/4 of Section 17, Township 19S, Range 2 West, and run south along the west line thereof for 289.76' to the Point of Beginning; thence 71 deg. 18 min. Left and run southeasterly for 60.13' to the point of beginning of a curve to the left having a radius of 996.34' and a central angle of 32 deg. 00 min. 00 sec.; thence southeasterly along the arc of said curve for 556.46' to the beginning of another curve to the left having a central angle of 31 deg. 34 min. 45 sec. and a radius of 528.93'; thence northeasterly along the arc of said curve for a distance of 291.52'; thence continue tangent to said curve for 212.36' to the north line of said 1/4 - 1/4 Section and the end of said right of way. Extending and shortening the sidelines so as to terminate at the property lines of the parties who executed the Easement Agreement recorded at Deed 024, Page 565.

A non-exclusive private easement over and across the following described land for sewer service created by instrument recorded at Book 125, Page 843, in the Probate Office of Shelby County, Alabama, to-wit:

A parcel of land situated in the Northeast Quarter of the Northwest Quarter, the Northwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter all being in Section 17, Township 19 South, Range 2 West; being more particularly described as follows: Begin at the Southeast corner of the Southeast Quarter of the Northwest Quarter of said Section; thence looking North turn an angle to the left of 44°05'22" and run Northwesterly 950.87 feet; thence left 91°06'31" and run Southwesterly 932.33 feet to the Southwest corner of said Quarter-Quarter; thence right 135°06'57" and run North along West line of said Quarter-Quarter 1342.59 feet to the Northwest corner of said Quarter-Quarter; thence left 88°55'15" and run West along the South line of the Northwest Quarter of the Northwest Quarter 1293.75 feet to the centerline of Cahaba River; thence right 85°32'11" and run

BOOK 264 PAGE 231

Northwesterly along centerline of river 306.97 feet; thence right  $27^{\circ}27'49''$  and run Northeasterly 195.34 feet; thence right  $12^{\circ}08'39''$  and continue Northeasterly along centerline of river 233.63 feet; thence right  $13^{\circ}01'59''$  and continue Northeasterly 416.98 feet; thence right  $35^{\circ}08'06''$  continue Northeasterly 88.68 feet; thence right  $35^{\circ}48'10''$  and run Southeasterly along centerline of river 409.16 feet; thence left  $4^{\circ}15'08''$  and continue Southeasterly 79.46 feet; thence left  $28^{\circ}18'28''$  and run Easterly 182.29 feet; thence left  $1^{\circ}57'13''$  and continue Easterly along centerline of river 172.89 feet; thence left  $39^{\circ}04'20''$  and run Northeasterly 165.23 feet; thence left  $1^{\circ}14'10''$  and continue Northeasterly 155.15 feet; thence right  $1^{\circ}20'13''$  and continue Northeasterly along centerline of river 46.55 feet to a point in the center of the river; thence right  $129^{\circ}32'03''$  and run Southeasterly 477.19 feet to the 100 year flood line; thence left  $7^{\circ}32'08''$  and continue Southeasterly 651.65 feet to a point on the centerline of a 60 foot easement for ingress and egress, said point also being the point of curve of a curve to the right having a central angle of  $0^{\circ}53'01''$  and a radius of 435.17 feet; thence run along arc of curve 67.21 feet to the point of tangent; thence continue Northeasterly along tangent 70.22 feet, to the point of curve of a curve to the right having a central angle of  $86^{\circ}36'30''$  and a radius of 194.58 feet; thence run along arc of curve 294.13 feet to the point of curve of a reverse curve to the left having a central angle of  $51^{\circ}07'49''$  and a radius of 209.04 feet; thence run along arc 186.55 feet to the point of curve of a reverse curve to the right having a central angle of  $7^{\circ}38'04''$  and a radius of 1988.85 feet; thence run along arc 265.01 feet to the point of tangent; thence continue Southeasterly along tangent 40.17 feet to a point on the East line of the Southeast Quarter of the Northwest Quarter of said Section; thence right  $71^{\circ}18'$  and run South along East line of said Quarter-Quarter 1054.55 feet to the point of beginning. Contains 59.3487 acres, 34.4587 acres not in the flood zone and 24.8900 acres within the 100 year flood zone.

A parcel of land situated in the Southwest  $1/4$  of the Southeast  $1/4$  and the Southeast  $1/4$  of the Southwest  $1/4$ , all in Section 8, Township 19 South, Range 2 West, and the Northwest  $1/4$  of the Northeast  $1/4$ , the Northeast  $1/4$  of the Northwest  $1/4$  and the Southeast  $1/4$  of the Northwest  $1/4$ , all in Section 17, Township 19 South, Range 2 West, being more particularly described as follows: Commence at the Southeast corner of the Southeast  $1/4$  of the Northwest  $1/4$  of Section 17, Township 19 South, Range 2 West; thence run North along the East line of said  $1/4$   $1/4$  1054.55 feet to the point of beginning, and being the center of a 60 foot easement for ingress and egress; thence left 71 deg. 18 min. and run Northwesterly along center line of easement 40.17 feet to the point of curve of a curve to the left having a central angle of 7 deg. 38 min. 04 sec. and a radius of 1988.85 feet; thence continue along the arc of said curve 265.01 feet to the point of curve of a reverse curve to the right having a central angle of 51 deg. 07 min. 49 sec. and a radius of 209.04 feet; thence continue along the arc of said curve 186.55 feet to the point of curve of a reverse curve to the left having a central angle of 86 deg. 36 min. 30 sec. and a radius of 194.58 feet; thence continue along arc of said curve 294.13 feet to the point of tangent; thence continue along tangent 70.22 feet to the point of curve of a curve to the left having a central angle of 0 deg. 53 min. 01 sec. and a radius of 4358.17 feet; thence run along arc of said curve 67.21 feet; thence right 103 deg. 55 min. 19 sec. and run Northwest 651.65 feet to the 100 year flood line; thence right 7 deg. 32 min. 08



BOOK 264 PAGE 232

sec. and run 477.19 feet to the center line of the Cahaba River; thence right 50 deg. 27 min. 57 sec. and run Northeasterly 375.99 feet along center of river; thence left 33 deg. 07 min. 03 sec. and continue Northeasterly 204.70 feet; thence left 42 deg. 11 min. 56 sec. and run Northwesterly 200.56 feet; thence right 25 deg. 39 min. 20 sec. and run Northeasterly along center line of Cahaba River 147.97 feet; thence right 48 deg. 38 min. 28 sec. and continue Northeasterly along center line of said river 227.70 feet; thence right 45 deg. 51 min. 11 sec. and run Easterly 367.33 feet; thence right 43 deg. 31 min. 30 sec. and run Southeasterly 894.30 feet to a point on the North line of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 19 South, Range 2 West; thence right 0 deg. 5 min. 21 sec. and continue Southeasterly 98.88 feet; thence left 85 deg. 18 min. 55 sec. and run Northeasterly 103.81 feet to a point on the North line of said 1/4 1/4 line; thence right 41 deg. 21 min. 08 sec. and run East along North line of said 1/4 1/4 763.19 feet to the Northeast 1/4 of the said 1/4 1/4; thence right 134 deg. 02 min. 15 sec. and run diagonally across said 1/4 1/4 1867.34 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4; thence left 45 deg. 08 min. 57 sec. and run South along the East line of said 1/4 1/4 286.81 feet to the point of beginning; being situated in Shelby County, Alabama, and Jefferson County, Alabama. Mineral and mining rights excepted.

LESS AND EXCEPT from the foregoing description of the sewer service easement the land described above as Parcel I.

LESS AND EXCEPT from the above described Parcel I, Lots 10, 11, 12, 13, 14, 15, 28, 54, 67 and 73 according to the Survey of Sandpiper Trail, Sector II, as recorded in Map Book 12, Pages 44, 45, 46 and 47 in the Office of the Judge of Probate of Shelby County, Alabama.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
RE RECORDED  
89 NOV -1 PM 1:46

*Thomas A. Snowden, Jr.*  
JUDGE OF PROBATE

1. Deed Tax -----	\$	_____
2. Mtg. Tax -----	\$	_____
3. Recording Fee -----	\$	_____
4. _____ Fee -----	\$	_____
5. _____ Fee -----	\$	_____
6. _____ Fee -----	\$	_____
Total -----	\$	_____