

488

SEND TAX NOTICE TO:  
POST WELDING SUPPLY COMPANY  
1300 - 7th Avenue, North  
Birmingham, Alabama 35202

THIS INSTRUMENT PREPARED BY:  
JOHN T. BLACK  
BLACK AND MORGAN, ATTORNEYS  
3432 Independence Drive  
Birmingham, Alabama 35209

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MORTGAGE FORECLOSURE DEED

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STATE OF ALABAMA  
COUNTY OF SHELBY

)  
) KNOW ALL PERSONS BY THESE PRESENTS;

THAT WHEREAS Claud M. Hicks, Jr. and Philip E. Adelsheimer, both married men (hereinafter called "Mortgagors") executed and delivered to Post Welding Supply Company, a corporation (hereinafter called "Mortgagee") a mortgage dated October 12, 1990, which mortgage is recorded in Real Property Book 314, Page 688 and Page 689 in the Shelby County, Alabama Probate Court records;

WHEREAS, default was made in the payment of the indebtedness secured by the mortgage, and the Mortgagee declared all of the indebtedness secured by the mortgage due and payable and the mortgage subject to foreclosure, and did give due and proper notice of the foreclosure of the mortgage, in accordance with its terms, by publication in the Shelby County Reporter, a newspaper of general circulation, in Shelby County, Alabama, once a week for three (3) consecutive weeks, in its issues of October 16, 1991, October 23, 1991 and October 30, 1991; and

WHEREAS, on November 7, 1991, the day on which the foreclosure sale was due to be held under the terms of the notice, during the legal hours of sale, the foreclosure sale was duly and properly conducted, and the Mortgagee did offer for sale, and sell at public outcry, in front of the main entrance of the Courthouse in Columbiana, Shelby County, Alabama, the property described below; and

WHEREAS, the mortgage expressly authorized the Mortgagee to bid at the sale and purchase said property, as the highest bidder therefor, and the mortgage authorized the Mortgagee to execute to the purchaser at said sale a deed to the property so purchased; and

WHEREAS, the highest and best bid obtained for the property described in the mortgage was the Mortgagee's bid in the total amount of \$65,000.00 which sum was offered to be credited to the indebtedness secured by the mortgage, and the property was thereupon sold to the Mortgagee.

WHEREAS, John T. Black, Attorney for the Mortgagee, acted as auctioneer as provided in the mortgage and conducted the sale;

WHEREAS, the mortgage expressly authorized the person conducting the sale to execute to the Purchaser at the sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the foregoing premises, and the Mortgagee's bid of \$65,000.00, the Mortgagors, Claud M. Hicks, Jr. and Philip E. Adelsheimer, acting by and through the Mortgagee, and the Mortgagee, by John T. Black, Attorney for the Mortgagee, as the duly appointed auctioneer for the Mortgagee and as the person conducting said sale for the Mortgagee, do hereby grant, bargain, sell and convey unto the Mortgagee, its successors and assigns, the following described real property situated in Shelby County, Alabama:

Parcel 9-A, according to the map and plat of a Resurvey of Whispering Pines Farms, as recorded in Map Book 13, Page 131 in the Office of the Judge of Probate of Shelby County, Alabama, more particularly described by metes and bounds as follows:

Commence at the southwest corner of Section 12, Township 21 South, Range 5 West, Shelby County, Alabama and run thence N 86°55'20" E along the south line of said Section 12 a distance of 716.76' to a point,

thence run N 9°39'00" W a distance of 1,262.19' to the point of beginning of the property, Parcel No. 9A, being described, thence continue along last described course a distance of 438.91' to a point on the southerly right of way line of Highway No. 13 in a curve to the right having a central angle of 3°11'31" and a radius of 5,385.0', thence run easterly along the arc of right of way curve an arc distance of 300.00' to a point, thence run S 9°39'00" E a distance of 438.91' to a point, thence run S 87°04'25" W a distance of 299.96' to the point of beginning, containing 3.0 acres.

LESS AND EXCEPT: Coal, oil, gas and other mineral interests in, to or under the land herein described and all mining rights together with all rights, privileges and immunities relating thereto.

TO HAVE AND TO HOLD the above described property to the Mortgagee, in fee simple forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem it provided by the laws of the State of Alabama, and the lien of taxes hereafter falling due.

IN WITNESS WHEREOF, the Mortgagors and the Mortgagee have caused this instrument to be executed by the undersigned auctioneer, acting as such auctioneer and the person conducting such sale for the Mortgagee, and the undersigned auctioneer has executed this instrument in his capacity as such on November 7, 1991.

CLAUD M. HICKS, JR. AND PHILIP E. ADELSHEIMER, MORTGAGORS

BY: POST WELDING SUPPLY COMPANY, MORTGAGEE

BY:

JOHN T. BLACK, AS AUCTIONEER AND PERSON CONDUCTING THE FORECLOSURE SALE FOR THE MORTGAGEE

POST WELDING SUPPLY COMPANY, MORTGAGEE

BY:

JOHN T. BLACK, AS AUCTIONEER AND PERSON CONDUCTING SALE FOR THE MORTGAGEE

JOHN T. BLACK, AS AUCTIONEER AND AS THE PERSON CONDUCTING SALE FOR THE MORTGAGEE

STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said state in said county, hereby certify that John T. Black, whose name as auctioneer and as the person conducting the foreclosure sale for the Mortgagee, 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, in his capacity as such auctioneer and as the person conducting said sale for the Mortgagee, and with full authority, executed this instrument voluntarily on the day the same bears date.

Given under my hand and official notarial seal, this 7th day of November, 1991.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

91 NOV -7 PM 1:22

JUDGE OF PROBATE

Ophelia R. Wyatt  
Notary Public

My Commission expires: 3-21-94

1. Deed Tax	\$ Not a tax
2. Mtg. Tax	\$ 5.00
3. Recording Fee	\$ 3.60
4. Indexing Fee	\$ 1.00
5. No Tax Fee	\$ 1.00
6. Certified Fee	\$ 10.00
Total	\$ 20.60