

This instrument prepared by:  
Jerry E. Held, Esquire  
SIROTE & PERMUTT, P.C.  
2222 Arlington Avenue South  
Birmingham, Alabama 35205

SEND TAX NOTICE TO:  
The Balcor Company  
4849 Golf Road  
Skokie, IL. 60077

Inst # 1993-05399

02/25/1993-05399  
12:35 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
13.50

STATE OF ALABAMA )  
COUNTY OF SHELBY )

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 28th day of January, 1986, DJ-II Investments, Ltd., an Alabama limited partnership, executed that certain Mortgage and Security Agreement on real property hereinafter described to Central Bank of the South, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 059, at Page 129, said mortgage subsequently transferred and assigned to Balcor Pension Investors VI recorded in Book 126, at Page 444, said mortgage amended by Amended and Restated Mortgage and Security Agreement dated April 21, 1987, and recorded in Book 126, at Page 446, and further amended by Modification of Amended and Restated Secured Promissory Note, Amended and Restated First Mortgage and Security Agreement and Related Documents dated February 1, 1989, and recorded in Book 249, at Page 516; and

WHEREAS, in and by said mortgage, the Mortgagee 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 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 thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said Balcor Pension Investors VI 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 Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, in its issues of February 3, 10, 17, 1993; and

WHEREAS, on February 25, 1993, 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 Balcor Pension Investors VI 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, James D. Campbell was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said Balcor Pension Investors VI; and

WHEREAS, Balcor Pension Investors VI was the highest bidder and best bidder in the amount of Nine Million and No/100 Dollars (\$9,000,000.00) on the indebtedness secured by said mortgage, the said Balcor Pension Investors VI, by and through James D. Campbell as auctioneer conducting said sale and as attorney-in-fact for Mortgagee, Balcor Pension Investors VI, does hereby grant, bargain, sell and convey unto Balcor Pension Investors VI, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 2, according to the Survey of Shoal Run, as recorded in Map Book 9, page 130, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto Balcor Pension Investors VI, 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.

IN WITNESS WHEREOF, Balcor Pension Investors VI, Mortgagee, has caused this instrument to be executed by and through James D. Campbell as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, and said James D. Campbell, as said auctioneer and attorney-in-fact for said Mortgagee, has hereto set his/her hand and seal on this 25th day of February, 1993.

Balcor Pension Investors VI

By:

  
James D. Campbell  
Auctioneer and Attorney-in-Fact

James D. Campbell  
Auctioneer Conducting Said Sale

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

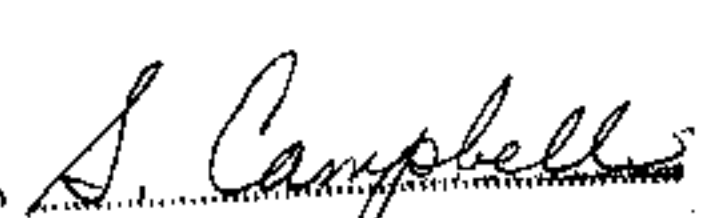
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James D. Campbell, whose name as auctioneer and attorney-in-fact for Balcor Pension Investors VI, Mortgagee, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/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 Mortgagee.

Given under my hand and official seal on this 25th day of February, 1993.

  
Notary Public

My Commission Expires:

7/16/93

Return To   
Steve A. Permutt, P.C.  
2222 Arlington Avenue  
P. O. Box 55727  
Birmingham, Alabama 35255

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