

## STATE OF ALABAMA, JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That whereas, the Benmor Investment Company, Inc., a corporation, did heretofore execute to Ada Bailey and W.H. Bailey, a certain mortgage bearing date of July 27th, 1928, and being recorded in the Probate Office of Jefferson County, Alabama, in volume 1934, page 39, and being recorded in the Probate Office of Shelby County, Alabama, in volume 152, page 478, to secure an indebtedness evidenced by certain promissory notes therein described; and,

Whereas, Default was made in the payment of said notes secured by said mortgage; and,

Whereas, Said Mortgage and the indebtedness secured was duly transferred to the Bankers Trust Company, and

Whereas, the undersigned Bankers Trust Company elected to declare the entire indebtedness secured by said mortgage due and payable and to foreclose the same under the power of sale contained in said mortgage; and,

Whereas, Pursuant to the power of sale contained in said mortgage, the undersigned as transferee did cause to be published in the Weekly Call, a newspaper published in the City of Birmingham, Alabama, in the issues of October 4th, 11th and 18th, 1930, a notice stating that under and by virtue of the power of sale contained in said mortgage the undersigned as said mortgagee would sell at public outcry to the highest bidder for cash, in front of the Third Avenue entrance of the Court House of Jefferson County, Alabama, in the City of Birmingham, within the legal hours of sale on October 28th, 1930, the real property situated in Jefferson County, Alabama, and did cause to be published in Shelby County Reporter, a newspaper published in Columbiana, Alabama, in the issues of October 9th, 16th and 23rd, 1930, a notice stating that under and by virtue of the power of sale contained in said mortgage the undersigned as mortgagee would sell at public outcry to the highest bidder for cash in front of the Court House of Shelby County, Alabama, at Columbiana, within the legal hours of

sale on October 31st, 1930, the real property described in said mortgage, situated in Shelby County, Alabama, said notices containing a description of said property substantially as hereinafter set forth; and,

Whereas, At the time and place stated in said notice, the undersigned did on October 28th, 1930, and October 31st 1930, by and through Sidney W. Smyer, as auctioneer offer said property for sale to the highest bidder for cash and at said sale held in the City of Birmingham, Alabama, Ada Bailey and W. H. Bailey, became the purchasers of said property situated in Jefferson County, Alabama, at and for the sum of Five Thousand (\$5,000.00) Dollars and became the purchasers of the property located in Shelby County, Alabama, at and for the sum of Five Thousand (\$5,000.00) Dollars, that being the highest and best bid for said property at said sale;

NOW, THEREFORE, In Consideration of the premises and in consideration of the sum of Ten Thousand (\$10,000.00) Dollars paid by crediting said amount upon the indebtedness secured by said mortgage, we, the said Bankers Trust Company as transferee of said mortgage and Sidney W. Smyer, as auctioneer do hereby grant, bargain, sell and convey unto the said Ada Bailey and W. H. Bailey, the following described real property conveyed by said mortgage and situated in Jefferson and Shelby Counties, Alabama, more particularly described as follows:

A parcel of land situated in Jefferson County, Alabama, described as beginning at the Northeast corner of the Northeast Quarter of Northeast quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of section 18, Township 19, Range 2 West; thence West along the Northern boundary of said forty one hundred and eighty (180) feet to the point of beginning, which said point is the point where a branch crosses the Northern boundary of said forty; thence continue in a Westerly direction eleven hundred and thirty-nine (1139) feet to the Northwestern corner of said forty; thence South along the Western boundary of said forty, eight hundred and fourteen and  $\frac{2}{10}$  (814.2) feet to a point where said land intersects a branch; thence South 35° East Two hundred and seventy-four and  $\frac{9}{10}$  (274.9) feet, following the meanderings of said branch to a point where said branch intersects the center line of Rocky Ridge Road; thence North 45° 40' East along said road, five hundred and forty-nine and  $\frac{2}{10}$  (549.2) feet to a point on the South side of said road where a branch crosses the same; thence in a Southerly direction following the meanderings of said branch to a point where said branch joins the Cahaba River; thence in a Northeasterly direction to a point where the branch first mentioned runs into the Cahaba River; thence in a Northwesterly direction along the meanderings of said branch to the point of beginning.

Also the following described property, situated in Shelby County, Alabama, to-wit:

Part of the Northwest quarter (NW $\frac{1}{4}$ ) and the Northwest quarter of Northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of section 17, Township 19, Range 2 West, and part of the Southeast quarter of Southwest quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 8, and Southwest quarter of Southeast quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 8, Township 19, Range 2 West, lying South of the Cahaba River in Shelby County, Alabama, more particularly described as commencing at the Northwest corner of the Northwest quarter of Northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section 17 and run thence East along the Northern boundary of said Northwest quarter of Northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ), four hundred and fifteen (415) feet; thence North 46° 22' West, eight hundred and thirty five and  $\frac{3}{10}$  (835.3) feet, more or less, to the South bank of the Cahaba River, said point being the point of beginning; thence South 46° 22' East nine hundred and thirty-five and  $\frac{3}{10}$  (935.3) feet to a made corner, known as the Black gum tree; thence North 46° 51' East, one hundred and  $\frac{9}{10}$  (100.9) feet to a point on the Northern boundary of the Northwest Quarter of Northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said Section 17; thence along the Northern boundary of said forty, seven hundred and sixty-four (764) feet to the Northeast corner; thence South 44° 5' West, eighteen hundred and sixty-seven and  $\frac{5}{10}$  (1867.5) feet to the Southwest corner of Northwest quarter of Northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ); thence South 1° 6' East along the Eastern boundary of Southeast quarter of Northwest quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) thirteen hundred and forty-one and  $\frac{9}{10}$  (1341.9) feet to the Southeast corner of Northwest quarter (NW $\frac{1}{4}$ ) of said Section 17; thence North 45° 9' West nine hundred and fifty and  $\frac{95}{100}$  (950.95) feet to the center of the Southeast quarter of Northwest quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ); thence South 43° 57' West, nine hundred and thirty-two and  $\frac{45}{100}$  (932.45) feet to the Southwest corner of said forty; thence north 1° 12' West thirteen hundred and forty-two and  $\frac{3}{10}$  (1342.3) feet to the Northwest corner of said forty; thence South 89° 59' West along the Northern boundary of said Southwest quarter of Northwest quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ), five hundred and forty-nine and  $\frac{5}{10}$  (549.5) feet; thence South 31° 1' West two hundred (200) feet; thence South 55° 3' West, two hundred and forty-two and  $\frac{7}{10}$  (242.7) feet; thence North 31° 15' West, nine hundred and seventy-five and  $\frac{2}{10}$  (975.2) feet, more or less, to the South branch of the Cahaba River; thence in the same course to the center of said Cahaba River; thence in a Northeasterly direction following the meanderings of the Cahaba River, three thousand and three hundred (3,300) feet, more or less, to a point in the center of said river opposite the point of beginning; thence to the point of beginning, and

Also, all tracts, more particularly described as commencing at the Northwest corner of Southwest quarter of Northwest quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 17, Township 19, Range 2 West, and run thence West along the Northern boundary of said forty, five hundred and forty-nine and  $\frac{5}{10}$  (549.5) feet; thence South 31° 1' East three hundred and twenty-five

(325) feet, more or less, to a point where said line intersects the center of Dry Branch, the point of beginning; thence North 31° 1' West one hundred and twenty-five (125) feet; thence South 55° 3' two hundred and forty-two and 7/10 (242.7) feet; thence South 31° 1' East twenty-five (25) feet, more or less, to the center of Dry Branch; thence in an Easterly direction along the center of said branch to the point of beginning.

It is understood that there is excepted from and out of this conveyance all minerals and mining rights.

TO HAVE AND TO HOLD, Unto the said Ada Bailey and W. H. Bailey, their heirs and assigns forever.

In witness whereof, we have hereunto set our signatures and seals, on this 26th day of December, 1930.

BANKERS TRUST COMPANY,  
By F A Duran (SEAL)  
Transferee Secretary

Sidney W. Smyer (SEAL)  
Auctioneer

I hereby certify that the deed tax \$10.00 & Mtg Tax-- has been paid on this instrument J. P. Stiles, Judge of Probate (Jefferson County)

I, Beil H. Waldrop a Notary Public in and for said County, in said State, hereby certify that F A Duran, whose name as Secretary of the Bankers Trust Company, a corporation, transferee, 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 officer and with full authority, executed the same voluntarily for and as the act of said corporation in its capacity as such transferee.

Given under my hand and official seal, this 26th day of December, 1930.

Beil H. Waldrop, Notary Public.

STATE OF ALABAMA, JEFFERSON COUNTY)

I, Ethel M. Ware, a Notary Public in and for said County, in said State, hereby certify that Sidney W. Smyer, whose name as Auctioneer, 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, 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, executed the same voluntarily on the day the same bears date. Given under my hand and official seal, this 26th day of December, 1930.

Ethel M. Ware, Notary Public.

Filed in office for record this Dec 30th 1930, Duly recorded in Vol 2317, page 154,

J. P. Stiles, Judge of Probate

STATE OF ALABAMA, JEFFERSON COUNTY) IN THE PROBATE COURT.

I, Eugene H. Hawkins, Judge of Probate, in and for said State and County, hereby certify that the foregoing to be and contain a true, correct and complete copy of Foreclosure deed from Benmor Investment Company x transferee to Bankers Trust Company, together with the filing of same as appears of record in this Office in Vol .2317 records of deeds on page 154.

Given under my hand and official seal this 6th day of January, 1934.

Eugene H. Hawkins.  
Judge of Probate.

Filed in office January 8th 1934 at 2 o'clock PM and duly recorded in deed record 97 page 90, 21 and examined.

Cage Head, Judge of Probate.