STATE OF ALABAMA,)
)
SHELBY COUNTY.)

19791011000132370 1/6 $.00
Shelby Cnty Judge of Probate,AL
10/11/1979 12:00:00AM FILED/CERT

WHEREAS, J. HARRIS DEVELOPMENT CORPORATION did on the June 17, 1976, execute a mortgage to Sybil B. Dearing and Harry W. Dearing III as Executor of the Estate of Harry W. Dearing, Jr.; which said mortgage was recorded in Volume 414, Record of Mortgages, at Page 355, in the Office of the Judge of Probate of Shelby County, Alabama, Columbiana, and conveyed the hereinafter described property; and

WHEREAS, in and by said mortgage the said J. Harris Development Corporation agreed that should default be made in the payment of said indebtedness secured by said mortgage, or interest thereon, when the same became due, or in the payment of any other sum which may be a charge on the property described in the mortgage under the terms thereof, then in either of said events, the whole of the indebtedness secured thereby should, at the election of the Mortgagee, become due and payable, and the said Sybil B. Dearing and Harry W. Dearing III as Executor of the Estate of Harry W. Dearing, Jr., its successors, agents, attorneys or assigns, were authorized and empowered to enter upon and take possession of the premises conveyed in said mortgage, and with or without taking possession of same, to sell the property described in said mortgage in front of the Courthouse door of Shelby County, Alabama, Columbiana, at public auction to the highest bidder for cash after giving notice of the time, place and terms of the sale by publication once a week for three successive weeks in some newspaper published in Shelby County, Alabama, make and execute title to the purchaser and apply the proceeds of said sale according to the terms of said mortgage; and

WHEREAS, default was made in the payment of the indebtedness due under and secured by the terms of said mortgage, and in the payment of sums which were a charge upon the property, and the said Sybil B. Dearing and Harry W. Dearing III as Executor of the Estate of Harry W. Dearing, Jr., Mortgagee, did declare the whole of said indebtedness due and payable under the terms of said mortgage; and

WHEREAS, the said Sybil B. Dearing and Harry W. Dearing III as Executor of the Estate of Harry W. Dearing, Jr. did advertise the foreclosure of said mortgage and the sale of the property conveyed therein, by publication once a week for three successive weeks in Shelby County Reporter, a newspaper published and having a general circulation in Shelby County, Alabama, viz: on Sept. 20, Sept. 27 and October 4th, giving the time, place and terms of said sale; and

WHEREAS, on the 11th day of October, 1979, during the legal hours of sale, according to the terms of the advertisement, said sale was held in front of the Courthouse door at Columbiana, Alabama (Shelby) County, Alabama, in strict conformity with the terms of said mortgage, and the said Sybil B. Dearing and Harry W. Dearing III as ~~Executor of the Estate of Harry~~ W. ~~Dearing,~~ Jr. did purchase said property at and for the sum of One Hundred Nine Thousand Four Hundred Sixty Nine and 18/100---------- Dollars ($ 109,469.18, being the highest, best and only bidder at said sale, and being allowed by the terms of said mortgage to bid at said sale and to become the purchaser if the successful bidder thereat;

NOW, THEREFORE, in consideration of the premises and the further sum of One and no/00 Dollars ($1.00) in hand paid by Sybil B. Dearing and Harry W. Dearing, III as Executor of the Estate of Harry W. Dearing, Jr. to the undersigned, the receipt of which is, upon the delivery of these presents, hereby acknowledged, the said Sybil B. Dearing and Harry W. Dearing III as Executor of the Estate of Harry W. Dearing, Jr., Mortgagee, and J. Harris Development Corporation, Mortgagors, by Wayne Wheeler, their duly authorized auctioneer and agent, in strict compliance with the terms of said mortgage, have granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto the said Sybil B. Dearing and Harry W. Dearing, III as Executor of the Estate of Harry W. Dearing, Jr. the following described property situated in Shelby County, Alabama, to wit:

See Attached Legal Description

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TO HAVE AND TO HOLD unto the said Sybil B. Dearing and Harry W. Dearing, III, as Executor of the Estate of Harry W. Dearing, Jr., its successors and assigns, as fully and completely in all respects as the said M. Wayne Wheeler could or ought to convey the same by reason of the Power of Attorney vested in him as auctioneer and agent of J. Harris Development Corporation, Mortgagors, and Sybil B. Dearing and Harry W. Dearing, III, as Executor of the Estate of Harry W. Dearing, Jr., Mortgagee, under and by virtue of the terms of said mortgage.

WITNESS my hand and seal this the 11 day of October, 1979.

By: _____ (SEAL)
Auctioneer and Agent

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STATE OF ALABAMA,)
)
JEFFERSON COUNTY.)

I, THE UNDERSIGNED, a Notary Public in and for said County in said State, hereby certify that M. Wayne Wheeler, whose name as auctioneer and agent of Sybil B. ~~Dearing and Harry W. Dearing,~~ III, as Executor of the Estate of Harry W. Dearing, Jr. Mortgagee and J. Harris Development Corporation, Mortgagor 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 agent, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 11 day of October, 1979.

Mary L. Thompson
NOTARY PUBLIC

Exh 9 (mtg. book 357 page 414) 6-11-76

Commencing at the NW corner of Section 23, Township 20 South Range 3 West, Shelby County, Alabama, thence south along the west line of said Section 23, a distance of 411.13 feet to the point of beginning: thence east and parallel to north line of Section 23, 1317.50 feet to the 1/4 1/4 line of the NW1/4 of said Section 23; thence north along said 1/4 1/4 line to the west boundary of the R.O.W. of Shelby County Road #52 thence in a southeasterly direction and along said R.O.W. boundary to the south boundary of the Southern Natural Gas Pipe Line easement; thence in a southwesterly direction and along the south boundary of said easement 340.08 feet to the 1/4 1/4 line of the said NW1/4 of Section 23; thence south along said 1/4 1/4 line 1968.99 feet to the 1/2 Section line of said Section 23, thence west along said 1/2 section line 2060.30 to the east boundary of the R.O.W. of Shelby County Road #95; thence north along said R.O.W. to a point 350.00 feet north of the said 1/2 Section line; thence east and parallel to said 1/2 Section line 1260.30 feet; thence north parallel to west line of said Section 23,335.0 feet; thence 90 degrees left, in a westerly direction, a distance of 100.0 feet; thence 29 degrees 43' 23" rights, in a Northwesterly direction, a distance of 150.87 feet; thence 17 degrees 08' 31" right, in a Northwesterly direction, a distance of 430 feet more or less to the West line of Said Section 23; thence north along said west line of Section 23, 1195.66 feet to the point of beginning.

Said tract containing 69.74 acres

LESS AND EXCEPT THE FOLLOWING:

A tract of land situated in the Southeast 1/4 of the Northeast 1/4 of Section 22, and the Southwest 1/4 of the Northwest 1/4 of Section 23, all in Township 20 South, Range 3 West, Shelby County, Alabama more particularly described as follows: Begin at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 23; thence run in a Westerly direction along the South line thereof a distance of 1325.20 feet to the Southwest corner; thence continue in a Westerly direction along the South line of the Southeast 1/4 of the Northeast 1/4 of said Section 22, a distance of 735.10 feet to a point of intersection with the Easterly right of way line of Shelby County Highway No. 95; thence run in a Northerly direction along said right of way line a distance of 350 feet; thence run in a Easterly direction, parallel to the South line of the Southeast 1/4 of the Northeast 1/4 of said Section 22, a distance of 735.10 feet to a point on the East line of said Southeast 1/4 of Northeast 1/4; thence continue in an Easterly direction, parallel with the South line of the Southwest 1/4 of the Northwest 1/4 of Section 23, a distance of 525.20 feet; thence run in a Northerly direction and parallel with the West line of said 1/4 1/4 Section a distance of 187.6 feet; thence run in an Easterly direction and parallel to the South line of said 1/4 1/4 Section a distance of 800 feet more or less to a point on the East line of said Southwest 1/4 of Northwest 1/4; thence run in a Southerly direction, along said East line, a distance of 537.6 feet to the point of beginning.

Tract contains 20 acres more or less.

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A parcel of land located in the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 23, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the southeast corner of the SW 1/4 of the NW 1/4, thence in a northerly direction along the east line of said 1/4 1/4 Section a distance of 537.6 feet to the point of beginning; thence continue along last described course a distance of 1431.4 feet to the southeasterly right-of-way line of a Southern Natural Gas Company easement; thence 133 deg. 27 min. left, along said easement in a southwesterly direction a distance of 1560.28 feet; thence 89 deg. 30 min. 25 sec. left in a southeasterly direction, a distance of 153.21 feet:thence 17 deg. 08 min. 31 sec. left in a southeasterly direction a distance of 150.87 feet; thence 29 deg. 43 min. 23 sec. left, in an easterly direction a distance of 100.0 feet; thence 90 deg. right in a southerly direction a distance of 147.40 feet; thence 88 deg. 30 min. 17 sec left in an easterly direction a distance of 798.33 feet to the point of beginning, containing 21.31. acres and being situated in Shelby County, Alabama.

Released
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Exceptions

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 23, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows;

Commence at the Northwest corner of said 1/4 1/4 Section; thence in a Southerly direction, along the West line of said 1/4 1/4 Section, a distance of 294.06 feet to the Southwesterly Right of Way of Shelby County Highway 52, said point being the Point of Beginning; thence continue along last described course a distance of 402.53 feet to a concrete monument on the Southeast Right of Way of a 30 foot wide Southern National Gas Easement; thence 133 degrees 26 minutes 25 seconds left, in a Northeasterly direction, along said Right of Way, a distance of 339.63 feet to a concrete monument on the Southwesterly Right of Way of said Highway 52; thence 113 degrees 54 minutes 06 seconds in a Northwesterly direction, along said Right of Way, a distance of 3.76 feet to a concrete monument; thence 90 degrees right, in a Northeasterly direction, to a concrete monument, said point being on a curve to the right, said curve having a radius of 830.42 feet and a central angle of 20 degrees 21 minutes 35 seconds; thence 90 degrees left, measured to tangent of said curve; thence in a Northwesterly direction along arc of said curve a distance of 295.08 feet to the Point of Beginning.

Said parcel contains 1.108 acres

Subject to a 30 foot wide Southern Natural Gas Easement, parallel to the Southeasterly property line.

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Less & Except:

A parcel of land located in the Northwest 1/4 of Northwest 1/4 of Section 23, Township 20 South, Range 3 West, Shelby County, Alabama more particularly described as follows: Commence at the Northeast corner of said 1/4 1/4 Section; thence in a Southerly direction along the East line of said 1/4 1/4 Section, a distance of 411.02 feet to the Point of Beginning; thence continue along last described course a distance of 285.57 feet a concrete monument on the Southeasterly Right of Way of a 30 foot wide Southern Natural Gas Easement; thence 46 degrees 33 minutes right, in a Southwesterly direction, along said Right of Way, a distance of 350.22 feet; thence 133 degrees 27 minutes right, in a Northerly direction, a distance of 534.04 feet to the South line of Plantation Pipe Line Company, property; thence 91 degrees 42 minutes 56 seconds right, in an Easterly direction along said South line, a distance of 254.36 feet to the Point of Beginning.

Re Recorded 9/7/79

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Said parcel contains 2.39 acres.

Subject to a 30 foot wide Southern Natural Gas Company Easement parallel to the Southeasterly property line.

1979 OCT 11 PM 2:44

JUDGE OF PROBATE

rec. 9.00
ind. 1.00
10.00