

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA)

JEFFERSON COUNTY)

19800305000026960 Pg 1/4 .00
Shelby Cnty Judge of Probate, AL
03/05/1980 00:00:00 FILED/CERTIFIED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Parkway Development Company, Inc., did on the 3rd day of October, 1978, execute a mortgage to Allen Montgomery and James F. Thornton, which mortgage is recorded in Book 383, Page 681, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, a portion of the said mortgage was transferred and assigned to Eugene McLain by Assignment of Mortgage on the 10th day of October, said Assignment of Mortgage being recorded in the Office of the Judge of Probate of Shelby County, in Book 28, Page 468; and

WHEREAS, default was made in the payment of said indebtedness secured by said mortgage, and the said Allen Montgomery, James F. Thornton and Eugene McLain did declare all of the indebtedness secured by said mortgage due and payable and did give due and proper notice of the foreclosure of said mortgage in accordance with the terms thereof by publication in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, in its issues of January 3, 10, and 17, 1980; which sale was continued to February 22, 1980, said Notice of Continuance appearing in the Shelby County Reporter on January 31, 1980; which sale was further continued to March 5, 1980, said Notice of Continuance appearing in the Shelby County Reporter on February 28, 1980; and

WHEREAS, on March 5, 1980, the day on which the foreclosure sale was due to be held, according to said

notice, between the legal hours of sale, said foreclosure sale was duly and properly conducted, and the said Allen Montgomery, James F. Thornton and Eugene McLain did offer for sale and did sell at public outcry, in front of the Courthouse door of Shelby County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the aforementioned mortgage was the bid of the said James F. Thornton, in the amount of One Hundred Seventy-One Thousand Dollars (\$171,000.⁰⁰) which sum the said Allen Montgomery, James F. Thornton and Eugene McLain offered to credit to the indebtedness secured by said mortgage and said property was thereupon sold to the said James F. Thornton.

WHEREAS, Claude M. Moncus conducted said sale on behalf of Allen Montgomery, James F. Thornton, and Eugene McLain.

WHEREAS, said mortgage expressly authorized the person conducting said sale to execute to the purchaser at said sale, a deed to the property so purchased.

NOW, THEREFORE, in consideration of the premises and of a credit in the amount of One Hundred Seventy One Thousand Dollars (\$171,000.⁰⁰ —) on the indebtedness secured by said mortgage, the said Allen Montgomery, James F. Thornton and Eugene McLain by Claude M. Moncus, their duly authorized agent and auctioneer conducting said sale does hereby grant, bargain, sell and convey unto the said James F. Thornton, the following described property situated in Shelby County, Alabama, to-wit:

See Exhibit A attached hereto

TO HAVE AND TO HOLD the above described property unto the said James F. Thornton, 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. *Subject to ad valorem taxes due October 1, 1979.*

IN WITNESS WHEREOF, the said Allen Montgomery, James F. Thornton and Eugene McLain, by Claude M. Moncus, as Auctioneer conducting said sale, caused these presents to be executed on this the 5th day of March, 1980.

By *Claude M. Moncus*
Claude M. Moncus
Agent and Auctioneer

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Claude M. Moncus, whose name as Auctioneer and Agent for Allen Montgomery, James F. Thornton and Eugene McLain, 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 this the 5th day of March, 1980.

Amelia J. Holibaugh
Notary Public

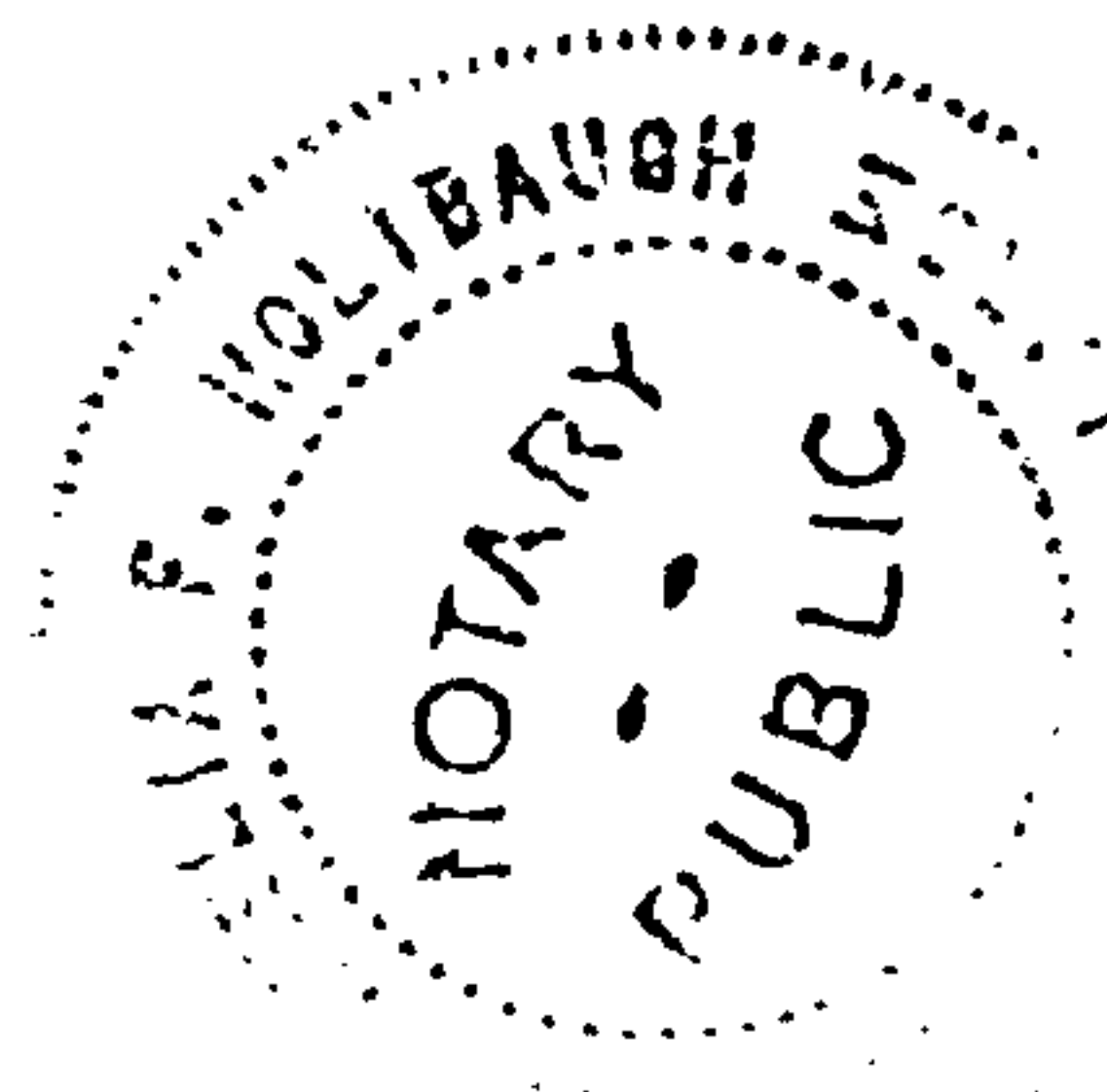


EXHIBIT A

19800305000026960 Pg 4/4 .00
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A tract of land situated in the Southwest Quarter of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Southeast corner of the SW 1/4 of the SW 1/4 of Section 12, Township 20 South, Range 3 West, thence west along the south line of said 1/4-1/4, 322.13 feet; thence 121°15'55" right 610.99 feet; thence 00°28'55" left 225.37 feet; thence 85°44'55" right 375.28 feet to the west right of way of U. S. 31; thence 90°00'00" right and along said right of way 613.02 feet; thence 63°33'00" right and leaving said right of way 172.29 feet to the point of beginning and containing 6.690 acres more or less.

Less and Except:

A tract of land situated in the SW 1/4 of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, and more particularly described as follows: Commence at the SE corner of the SW 1/4 of the SW 1/4 of Section 12, for a point of beginning; thence West along the South line of said 1/4-1/4 322.13 feet; thence 121°15'55" right 321.74 feet; thence 85°16'00" right 415.92 feet to the west right of way of U. S. Highway 31; thence 90°00'00" right and along said right of way 100.00 feet; thence 63°33'00" right and leaving said right of way 172.29 feet to the point of beginning and containing 2.038 acres, more or less.

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

1980 MAR -5 PM 2:41

William A. Shawley, Jr.
JUDGE OF PROBATE

Rec. 6.00
Ind. 1.00

7.00

BOOK 325 PAGE 306