

Post Welding Supply Company
1300 - 7th Avenue, North
Birmingham, Alabama 35202

STATE OF ALABAMA

574

COUNTY OF SHELBY

GP 102507 30 10 BIR

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS that on October 16, 1980, Blackerby Automotive Enterprises, Inc. executed and delivered to the Central State Bank, Calera, Alabama, a Mortgage on certain real property, recorded in Real Property Mortgage Books 406 and 407 at Pages 852 et seq. and 240 et seq. in the Office of the Judge of Probate, Shelby County, Alabama, to secure the payment of promissory Note executed by Blackerby Auto Parts, Inc., Pelham Auto Parts, inc. and Riverchase Auto Parts, dated October 16, 1980 in the amount of \$153,500.00 in favor of the said Central State Bank.

On January 17, 1978, Blackerby Automotive Enterprises, Inc. executed and delivered to the First Bank of Alabaster, Alabaster, Alabama, a Mortgage on certain real property, recorded in Book 373 at Page 732 in the Office of the Judge of Probate, Shelby County, Alabama, to secure the payment of its promissory Note, dated January 17, 1978 in the amount of \$132,410.40 in favor of the said First Bank of Alabaster.

WHEREAS, said Notes and Mortgages were assigned by the Central State Bank and First Bank of Alabaster to the U. S. SMALL BUSINESS ADMINISTRATION, an Agency of the United States, by Assignments of Note and Security dated August 16, 1984 and December 19, 1984, and recorded in Books 005 and 012 at Pages 233, 235 and 270 in the Office of the Judge of Probate of said County; and

WHEREAS, default was made in payment of said Notes, and the Mortgages are subject to foreclosure because of said default.

WHEREAS, in said Mortgages, the mortgagees or their assigns were authorized and empowered, in case of default in payment of the promissory

BLACK AND MORGAN
ATTORNEYS AT LAW
3432 INDEPENDENCE DRIVE
BIRMINGHAM, ALABAMA 35209

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Notes, to sell the real property taken as security for said Notes. Said Mortgages also provided that the mortgagees or their assigns, after having given notice of the time, place and terms of sale prior to said sale, are empowered and authorized to execute title to the purchaser of said real property at said sale.

WHEREAS, default having been made in the payment of the promissory Notes secured by said Mortgages, the U. S. SMALL BUSINESS ADMINISTRATION did declare all of the indebtedness secured by said Mortgages due and payable and declared the real property taken as security on said promissory Notes subject to foreclosure. As provided in the said Mortgages, the U. S. SMALL BUSINESS ADMINISTRATION gave due and proper notice of foreclosure of said Mortgages by publishing a Notice of Foreclosure Sale in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, in the issues of February 7, 1985, February 14, 1985, February 21, 1985, and February 28, 1985.

WHEREAS, at or about 11:00 A.M., on Tuesday, March 5, 1985, the date on which the foreclosure sale was due to be held under the terms of said notice and during the legal hours of sale, foreclosure was duly and properly conducted, and the U. S. SMALL BUSINESS ADMINISTRATION, as Mortgagee, did offer for sale and did sell at public outcry before the Shelby County Courthouse Door, Columbiana, Alabama, the property hereinafter described.

WHEREAS, at the time and place designated by said notice, the U. S. SMALL BUSINESS ADMINISTRATION did offer said real property for sale at public outcry to the highest bidder, and the highest bidder was Post Welding Supply Company at and for a high bid of \$93,000.00, whereupon the property was knocked down to said highest bidder.

NOW, THEREFORE, for and in consideration of the sum of \$93,000.00 credited to said indebtedness, the U. S. SMALL BUSINESS ADMINISTRATION does hereby grant, convey, sell, transfer and deliver unto Post Welding Supply Company and its assigns, the following described real property, to-wit:

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Commence at the SE corner of the SW 1/4 of SE 1/4 of Sec. 35, Township 20 South, Range 3 West; thence run West along the South line of said 1/4 1/4 Section a distance of 507.80 feet; thence turn an angle of 91 deg. 30' to the right and run a distance of 18.94 feet to the point of beginning; thence continue in the same direction a distance of 89.65 feet; thence turn an angle of 2 deg. 04' 07" to the left and run a distance of 218.36 feet; thence turn an angle of 89 deg. 25' 53" to the left and run a distance of 385.74 feet; thence turn an angle of 74 deg. 27' to the left and run a distance of 203.37 feet; thence turn an angle of 18 deg. 07' to the left and run a distance of 114.61 feet; thence turn an angle of 89 deg. 49' to the left and run a distance of 148.70 feet; thence turn an angle of 3 deg. 09' to the right and run a distance of 286.40 feet to the point of beginning. Situated in the SW 1/4 of SE 1/4 of Section 35, Township 20 South, Range 3 West, Huntsville Meridian, Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto the said Post Welding Supply Company and its assigns forever. It is expressly stipulated and agreed, however, that this conveyance is made without representation, warranty or recourse, express or implied, as to title, use and/or enjoyment of the real property described above, except that the U. S. SMALL BUSINESS ADMINISTRATION warrants, there are no liens, encumbrances, or defects outstanding against the premises conveyed which were created or suffered by the U. S. SMALL BUSINESS ADMINISTRATION and not specifically excepted herein. This conveyance is also made without representation, warranty or recourse, express or implied, as to unpaid taxes (ad valorem or otherwise - if any) and is made subject to the statutory right of redemption.

IN WITNESS WHEREOF, U. S. SMALL BUSINESS ADMINISTRATION has caused this conveyance to be executed by B. W. House, Chief, Liquidation Division, Birmingham District Office, Birmingham, Alabama, pursuant to the authority contained in 47 Federal Register 2305, the contents of which publication are to be judicially noticed pursuant to 44 United States Code 1507.

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THIS, the 3 day of April, 1985.

U. S. SMALL BUSINESS ADMINISTRATION

THIS INSTRUMENT PREPARED BY:
William Ashley Howell, III
District Counsel
Small Business Administration
2121 8th Avenue, North, Suite 200
Birmingham, Alabama 35203-2398

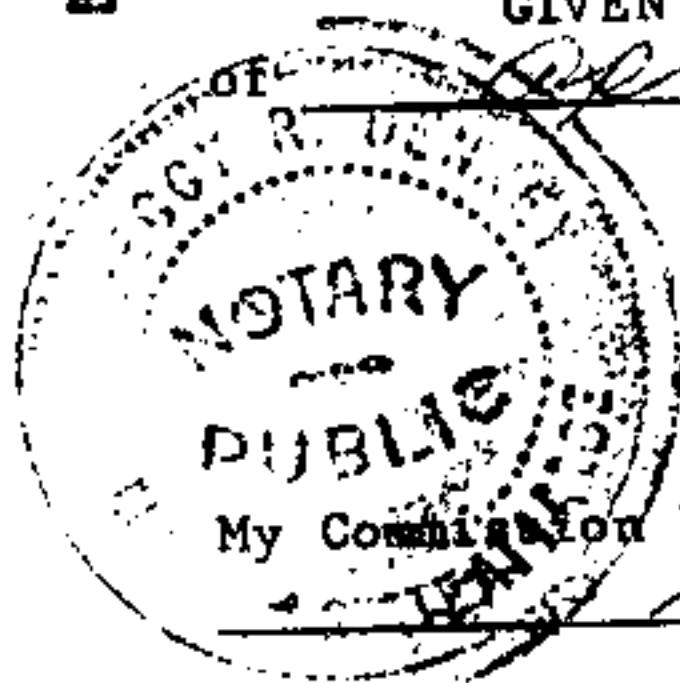
By B. W. House
B. W. House, Chief
Liquidation Division
Birmingham District Office
Birmingham, Alabama

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State hereby certify that B. W. House, whose name as Chief, Liquidation Division, Birmingham District Office, U. S. Small Business Administration, 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 Chief, Liquidation Division, Birmingham District Office, U. S. Small Business Administration, with full authority executed the same voluntarily for and as the act of U. S. Small Business Administration.

GIVEN UNDER MY HAND and seal this the 3 day of April, 1985.



Peggy R. Winney
Notary Public

STATE OF ALABAMA
I CERTIFY THIS
INSTRUMENT WAS
1985 APR 10 AM 10:51
JAMES A. HOWELL, III
DISTRICT COUNSEL

RECORDING FEES

Mortgage Tax	\$	
Deed Tax		<u>93.00</u>
Mineral Tax		
Recording Fee		<u>10.00</u>
Index Fee		<u>1.00</u>
TOTAL	\$	<u>104.00</u>