

This instrument prepared by Wade
H. Morton, Jr., Attorney at Law,
South Main Street, P. O. Box 1227,
Columbiana, Alabama 35051-1227.

STATE OF ALABAMA)

SHELBY COUNTY)

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that, WHEREAS, on or about November 18, 1983 Morris E. Horton, Sr., as Mortgagor, executed a mortgage conveying the real estate hereinafter described in Shelby County, Alabama, to Merchants & Planters Bank, Montevallo, Alabama, a banking corporation, as Mortgagee, which said mortgage was recorded on November 21, 1983 in Mortgage Book 439, at Pages 572-573, in the Office of the Judge of Probate of Shelby County, Alabama (hereinafter referred to as "said mortgage" or words to that effect), which said mortgage and the indebtedness secured thereby is and was as of the date upon which this foreclosure proceeding was instituted, and is and was as of the date upon which this foreclosure deed was executed, the sole property of said Mortgagee; and,

WHEREAS, in and by said mortgage said Mortgagee was authorized and empowered in case of default in the payment of the indebtedness thereby secured, according to the terms thereof, to sell said real estate in front of the Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving twenty-one days notice of the time, place and terms of said sale by publication once a week for three consecutive weeks prior to said sale in some newspaper published in Shelby County, Alabama, such sale to be 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 the same the Mortgagee or any persons conducting said sale for the Mortgagee might bid at the same and purchase said property if the highest bidder therefor; and,

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and such default continuing, the said Mortgagee did give due and proper notice of the foreclosure of said mortgage by publication in the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, in its issues of March 21, 28, April 4, 1985; and,

WHEREAS, on April 12, 1985 at approximately 12:00 o'clock noon, being the day and approximate time on which the foreclosure sale was scheduled to be held under the terms of said notice between the legal

Wade Morton

hours of sale, said foreclosure was duly and properly conducted and said Mortgagee did, in strict compliance with the power of sale contained in said mortgage, offer for sale at public outcry to the highest bidder for cash in front of the Shelby County Courthouse front door in the City of Columbiana, Shelby County, Alabama, the real estate hereinafter described and against which said Mortgagee held a second mortgage lien; and,

WHEREAS, the undersigned, Wade H. Morton, Jr., was the auctioneer, agent and attorney-in-fact who conducted said foreclosure sale and was the person conducting said sale for the said Merchants & Planters Bank; and,

WHEREAS, the last, highest and best bid for said real estate described in said mortgage was the bid of Merchants & Planters Bank in the amount of Fourteen Thousand Five Hundred Eighty Five and 00/100 (\$14,585.00) Dollars, which sum of money Merchants & Planters Bank offered as credit toward all indebtedness secured by said mortgage, and said real estate was thereupon sold to Merchants & Planters Bank.

NOW THEREFORE, in consideration of the premises and a credit in the amount of Fourteen Thousand Five Hundred Eighty Five and 00/100 (\$14,585.00) Dollars toward all indebtedness secured by the mortgage, the said Merchants & Planters Bank, acting by and through Wade H. Morton, Jr., as auctioneer conducting said sale and as attorney-in-fact for Merchants & Planters Bank and for Morris E. Horton, Sr., respectively, and by and through Wade H. Morton, Jr., as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the said Merchants & Planters Bank, Montevallo, Alabama, a banking corporation, the following described real estate situated in Shelby County, Alabama, together with all improvements thereon and appurtenances thereto, to-wit:

A part of Lot 41, according to original plan of Town of Montevallo, Shelby County, Alabama, more particularly described as follows: Beginning at the intersection of the South line of Main Street with the Northeast line of Shelby Street in the Town of Montevallo and run in a Northeasterly direction along the South line of Main Street a distance of 44 feet; thence run in a Southeasterly direction and parallel with Northeast line of Shelby Street a distance of 109½ feet; thence run in a Southwesterly direction and parallel with the South line of Main Street a distance of 44 feet to the Northeast line of Shelby Street; thence run in a Northwesterly direction along the Northeast line of Shelby Street a distance of 109½ feet to point of beginning.

TO HAVE AND TO HOLD the above described real estate unto the said Merchants & Planters Bank, its successors and assigns forever, together with the hereditaments and appurtenances thereto belonging; subject, however, to that certain first mortgage from Morris E. Horton, Sr. to Pauline Scott Rogan Towsery dated February 19, 1976 and recorded in Mortgage Book 352, at Page 378, in the Office of the Judge of Probate of Shelby County, Alabama. Also, subject to redemptive rights and to all encumbrances, limitations, easements and right-of-way of record in the said Probate Records.

IN WITNESS WHEREOF, the said Merchants & Planters Bank and Morris E. Horton, Sr. have caused this instrument to be executed by and through Wade H. Morton, Jr., acting as auctioneer conducting said sale and as attorney-in-fact for all parties separately, and Wade H. Morton, Jr., as auctioneer conducting said sale and as attorney-in-fact for each of said parties, has hereto set his hand and seal on this the 12th day of April, 1985.

MORRIS E. HORTON, SR.

BY: Wade H. Morton, Jr. (SEAL)
Wade H. Morton, Jr., as
Auctioneer and
Attorney-in-Fact

MERCHANTS & PLANTERS BANK, Montevallo,
Alabama, a banking corporation

BY: Wade H. Morton, Jr. (SEAL)
Wade H. Morton, Jr., as
Auctioneer and
Attorney-in-Fact

Wade H. Morton, Jr. (SEAL)
Wade H. Morton, Jr., as
Auctioneer Conducting said Sale

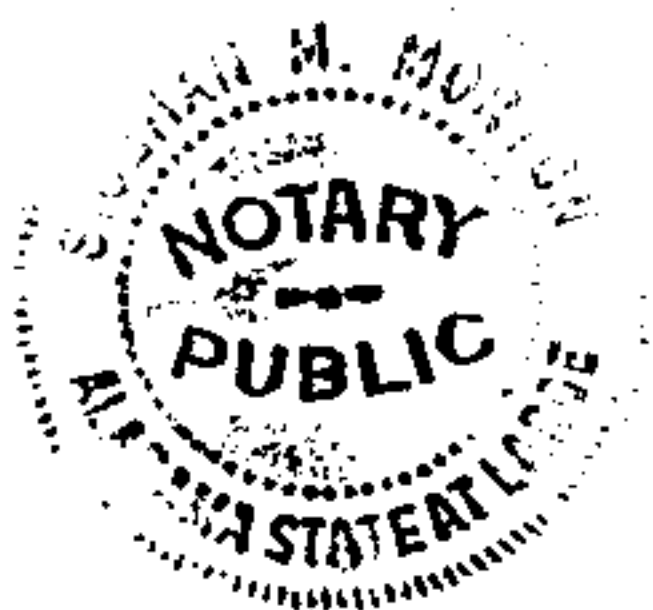
STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Wade H. Morton, Jr., whose name as Auctioneer is signed to the foregoing conveyance, and who signed the name of Morris E. Horton, Sr., to the above conveyance, and also signed the name of Merchants & Planters Bank, Montevallo, Alabama, a banking corporation, 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 executed the same voluntarily on the day the same bears date, as the action of himself as Auctioneer and the person conducting said foreclosure sale for the said Mortgagee, with full

authority, for and as the act of said Mortgagee, and for and as the act of Morris E. Horton, Sr., Mortgagor, in the Mortgage referred to in the foregoing deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal on this the 12th day of April, 1985.



William M. Morton
Notary Public My Commission Expires August 4, 1987

BOOK 023 PAGE 833

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

1985 APR 12 PM 3:24

Foreclosure

Thomas J. [unclear]
JUDGE OF PROBATE

Rec. 1000
Ind. 120
1100