

1659

This instrument prepared by Wade H. Morton, Jr., Attorney at Law,  
Post Office Box 1227, Columbiana, Alabama 35051-1227

KNOW ALL MEN BY THESE PRESENTS, that, WHEREAS, on or about September 16, 1985 BOBBY GENE SMITH, JR. and wife, MARSHA R. SMITH, as Mortgagors, executed that certain mortgage conveying the real property hereinafter described to CENTRAL STATE BANK, Calera, Alabama, a banking corporation, as Mortgagee, which said mortgage was recorded on September 24, 1985 in Real Book 042, at Pages 351-353, in the Office of the Judge of Probate of Shelby County, Alabama, and which said mortgage supplemented their prior mortgages to Mortgagee dated June 27, 1985 and recorded in Real Book 032, at Pages 691-693, and dated August 10, 1984 and recorded in Mortgage Book 453, at Pages 909-911, in said Probate Records, conveying the same real property, which mortgages are hereinafter referred to collectively as "said mortgages"; and,

WHEREAS, said mortgages specifically secure all indebtedness evidenced by that certain promissory note executed by Mortgagors on September 16, 1985 (Loan #25561) and which said mortgages also secure all indebtedness (i) evidenced by that certain promissory note executed by Mortgagors dated March 27, 1987 (Loan #51500) and (ii) evidenced by that certain promissory note executed by Mortgagors dated November 30, 1987 (Loan #28387); and,

WHEREAS, said mortgages and the aforesaid indebtednesses specifically secured by the said mortgages, and the aforesaid other indebtednesses also secured by the said mortgages, were as of the date upon which this foreclosure proceeding was instituted, and are as of the date upon which this foreclosure deed was executed and delivered, the sole property of said Mortgagee; and,

WHEREAS, in and by said mortgages said Mortgagee was authorized and empowered in case of default in the payment of the indebtednesses thereby secured, according to the terms thereof, to sell all or any part of the real property conveyed by said mortgage

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Return to: Wade Morton

in front of the Shelby County Courthouse front door in the City of Columbiana, Shelby County, Alabama, after giving twenty-one days notice of the date, 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 mortgages provided that in case of sale under the power and authority contained in said mortgages the Mortgagee or any person 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 indebtednesses secured by said mortgages, and such default continuing, even though said Mortgagee gave prior written notice to said Mortgagors that such default would result in acceleration of said notes and foreclosure of said mortgages; and,

WHEREAS, said Mortgagee did give due and proper notice of the foreclosure of said mortgages against all of the real property conveyed thereby, as is hereinafter described, by publication in the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, in its issues of April 27, May 4 and 11, 1988; and,

WHEREAS, on the 23rd day of May, 1988 commencing at approximately 12:00 o'clock noon, being the date and approximate time on which the foreclosure sale was scheduled to be held under the terms of said notice between the legal 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 mortgages, 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, all of the real property conveyed by said mortgages, as hereinafter described; 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 Central State Bank; and,

WHEREAS, the last, highest and best bid for said real property described in said mortgages was the bid of Central State Bank in

the amount of TWENTY EIGHT THOUSAND SIX HUNDRED SIXTEEN and 46/100 (\$28,616.46) DOLLARS, which sum of money Central State Bank offered as a credit toward all of the indebtednesses secured by said mortgages, and said real property was thereupon sold to CENTRAL STATE BANK.

NOW, THEREFORE, in consideration of the premises, and a credit in the amount of TWENTY EIGHT THOUSAND SIX HUNDRED SIXTEEN and 46/100 (\$28,616.46) DOLLARS toward all of the indebtednesses secured by said mortgages, CENTRAL STATE BANK, by and through Wade H. Morton, Jr., as auctioneer conducting said sale and as attorney-in-fact for Central State Bank, Bobby Gene Smith, Jr. and wife, Marsha R. Smith, respectively, and by and through Wade H. Morton, Jr., as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the said CENTRAL STATE BANK, a banking corporation, the following described real property situated in Shelby County, Alabama, together with all improvements thereon and appurtenances thereto, to-wit:

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A parcel of land in the W1/2 of the NW1/4 of Section 13, Township 22, Range 2 West, Shelby County, Alabama, described as follows: From the Northeast corner of said 1/2 of the 1/4 Section (a rock pile, iron pin, and stake) said point being situated on a yellow painted line established by Gulf States Paper Co., and accepted as correct by this survey, run Southwesterly along a yellow painted line marking the center of the old abandoned Calera-Columbiana chert road for 793 feet to the point of beginning of subject lot; from said point thus established continue to run along said painted line for 388 feet; thence run South 70 degrees East for 207 feet to a point on the Westerly right of way line of Alabama Highway No. 25 thence run Northeasterly along said highway right of way line for 390 feet; thence run North 68 degrees West for 213.4 feet, and back to the point of beginning.

TO HAVE AND TO HOLD the above described real property unto CENTRAL STATE BANK, a banking corporation, together with the improvements thereon and the hereditaments and appurtenances thereto belonging; subject, however, to: (1) the statutory right of redemption from said foreclosure sale on the part of those entitled to redeem, as provided by the laws of Alabama; (2) 1988 ad valorem taxes; (3) transmission line permits to Alabama Power Company as recorded in Deed Book 80, at Page 173, and in Deed Book 86, at Page 215, in said Probate Records; (4) right-of-way to Shelby County as recorded in Deed Book 108, at Page 416, in said Probate Records; and, (5) subject to any rights to use of abandoned

road along West side of the above described real property.

IN WITNESS WHEREOF, Central State Bank and Bobby Gene Smith, Jr. and wife, Marsha R. Smith, have caused this instrument to be executed by and through Wade H. Morton, Jr., 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 23rd day of May, 1988.

BOBBY GENE SMITH, JR. and  
wife, MARSHA R. SMITH

BY:

*Wade H. Morton, Jr.*  
Wade H. Morton, Jr., as  
Auctioneer and  
Attorney-in-fact

(SEAL)

CENTRAL STATE BANK, a  
banking corporation

BY:

*Wade H. Morton, Jr.*  
Wade H. Morton, Jr., as  
Auctioneer and  
Attorney-in-fact

(SEAL)

*Wade H. Morton, Jr.*  
Wade H. Morton, Jr.

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 is Auctioneer is signed to the foregoing conveyance, and who signed the name of Bobby Gene Smith, Jr. and wife, Marsha R. Smith, to the above conveyance, and also signed the name of Central State Bank, 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 the same for the said Mortgagee, with full authority, for and as the act of said corporation, and for and as the act of said Bobby Gene Smith, Jr. and wife, Marsha R. Smith, Mortgagors, in the mortgage referred to in the foregoing deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal on this the 23rd day of May, 1988.

*Wade H. Morton*  
Notary Public

MY COMMISSION EXPIRES AUGUST 4, 1991

CERTIFICATE OF MORTGAGEE

The undersigned Central State Bank, Calera, Alabama, a banking corporation, does hereby certify that Wade H. Morton, Jr., who

acted as auctioneer and attorney-in-fact in making the sale and conveyance evidenced by the foregoing foreclosure deed, was duly appointed and directed by Central State Bank, Calera, Alabama, to act as auctioneer and attorney-in-fact for the purpose of making said sale and conveyance.

DATED this 23rd day of May, 1988.

ATTEST:

CENTRAL STATE BANK

Dorothy Brown Sheedell  
Its Secretary

BY: William M. Schmed  
Its President

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STATE OF ALA. SHEEDELL  
I CERTIFY THIS  
INSTRUMENT WAS FILED

88 MAY 23 PM 2:16

Thomas A. Snowdon, Jr.  
JUDGE OF PROBATE

1. Deed Tax	\$ <u>Foreclosure</u>
2. Mtg. Tax	
3. Recording Fee	<u>12.50</u>
4. Indexing Fee	<u>1.00</u>
TOTAL	<u>13.50</u>

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