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THIS INSTRUMENT WAS PREPARED BY:

KATHRYN S. CARVER
LANGE, SIMPSON, ROBINSON
& SOMERVILLE
1700 FIRST ALABAMA BANK BLDG.
BIRMINGHAM, ALABAMA 35203

SEND TAX NOTICE TO:

City Federal Savings
and Loan Association
2030 Third Avenue North
Birmingham, Alabama 35203

STATE OF ALABAMA)

SHELBY COUNTY)

FORECLOSURE DEED

This indenture made and entered into by and between Charles Wayne Smith and wife, Tracey Y. Smith, and ALB, Ltd., an Alabama limited partnership, Parties of the First Part, and City Federal Savings and Loan Association, a federal savings and loan association, Party of the Second Part;

W I T N E S S E T H :

THAT, WHEREAS, said Parties of the First Part did under date of the 4th day of September, 1985, execute a mortgage on the hereinafter described property to Guaranty Federal Savings and Loan Association, which said mortgage is recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 041, Page 705, and subsequently assigned by Guaranty Federal Savings and Loan Association to City Federal Savings and Loan Association by Assignment recorded in Book 045, page 583, in said Probate Office; and

WHEREAS, by the terms of said mortgage, default in the monthly payments due thereunder matured the entire indebtedness secured thereby, and thereupon the said Party of the Second Part was authorized and empowered after giving notice of the time,

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place and terms of sale once a week for three consecutive weeks in some newspaper published in Shelby County, Alabama, to sell said property at public outcry to the highest bidder for cash before the Courthouse door in Columbiana, Shelby County, Alabama, at which sale the said Party of the Second Part was authorized to bid and, if the highest bidder therefor, to become the purchaser of said property; and

WHEREAS, such default was made in the payment of the indebtedness secured by said mortgage, which default has continued to this day; and

WHEREAS, said property was advertised and sold in all respects as provided by the terms of said mortgage on the 14th day of December, 1988, at the main entrance of the Shelby County Courthouse, Columbiana, Shelby County, Alabama, after giving notice of the time, place and terms of said sale by publication once a week for three consecutive weeks in the Shelby County Reporter, a newspaper published in the City of Columbiana, Shelby County, Alabama, at which sale City Federal Savings and Loan Association did become the purchaser of said property at and for the sum of SEVENTY-FOUR THOUSAND SEVEN HUNDRED THIRTY-NINE AND 11/100 (\$74,739.11) DOLLARS, this being the highest and best bid.

NOW, THEREFORE, in consideration of the premises and the sum of SEVENTY-FOUR THOUSAND SEVEN HUNDRED THIRTY-NINE AND 11/100 (\$74,739.11) DOLLARS paid to the Parties of the First Part by City Federal Savings and Loan Association, the said Parties of the First Part, Charles Wayne Smith and wife, Tracey Y. Smith, and

ALB, Ltd., an Alabama limited partnership, have granted, bargained and sold and do by these presents grant, bargain, sell and convey unto City Federal Savings and Loan Association the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 5, Block 8 according to the survey of Bermuda Hills, Second Sector, Fourth Addition, as recorded in Map Book 9, Page 78, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. Ad valorem taxes for the year 1988 and taxes for all subsequent years.
2. 35 foot building line as shown by recorded map.
3. 10 foot easement on rear and 5 foot easement on Southeast as shown by recorded map.
4. Right of way to Alabama Power Company as recorded in Real Volume 32, Page 918, in said Probate Office.
5. Right of way to South Central Bell as recorded in Real Volume 27, Page 93 in said Probate Office.
6. Any coal, oil, gas and other mineral interests in, to or under the land herein described not owned by the Parties of the First Part.
7. All statutory rights of redemption.

TO HAVE AND TO HOLD the above described property unto the said City Federal Savings and Loan Association, its successors and assigns forever, as fully and completely in all respects as the said Parties of the First Part could convey the same.

IN WITNESS WHEREOF, the said Parties of the First Part have caused these presents to be executed by and through City Federal

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Savings and Loan Association, and by and through the undersigned auctioneer, both duly authorized on this the 15th day of December, 1988.

CHARLES WAYNE SMITH and wife,
TRACEY Y. SMITH

ALB, LTD., an Alabama limited partnership

BY: CITY FEDERAL SAVINGS AND
LOAN ASSOCIATION, a federal
savings and loan association

By: Kathryn S. Carver
KATHRYN S. CARVER
Its Agent and Attorney-in-fact

AND BY: Romona D. Robertson
ROMONA D. ROBERTSON
Auctioneer conducting sale

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in the aforesaid County in said State, hereby certify that KATHRYN S. CARVER, whose name as Agent and Attorney-in-fact for City Federal Savings and Loan Association, a federal savings and loan association, 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, she, as such agent and Attorney-in-fact and with full authority, executed the same voluntarily for and as the act of said association.

Given under my hand and official seal this the 15th day of December, 1988.

My commission expires:

10/8/92

Joanne B. Evans
Notary Public

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that ROMONA D. ROBERTSON, whose name as Auctioneer of City Federal Savings and Loan Association, a federal savings and loan association, Mortgagee, 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, she, as such Auctioneer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 15th day of December, 1988.

My commission expires:

10/18/92

Joanne B. Evans
Notary Public

STATE OF ALABAMA
I CERTIFY THAT
INSTRUMENT WAS FILED

88 DEC 22 AM 10:45

James H. Evans
JUDGE OF PROBATE

1. Dead Tax \$
2. Mtg Tax Enclosure
3. Recording Fee 12.50
4. Indexing Fee 1.00
TOTAL 13.50