

1144

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS: That Riverchase Office Plaza Company, an Alabama General Partnership, did, on, to-wit, August 10, 1979, execute a mortgage to Birmingham Trust National Bank, which mortgage is recorded in Real Property Book 395, Page 137 et seq., in the Office of the Judge of Probate of Shelby County, Alabama, and subsequently assigned to The Equitable Life Assurance Society of the United States, by that document recorded in Misc. Book 35, Page 369 et seq., in the aforesaid probate office; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said The Equitable Life Assurance Society of the United States 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 published in Shelby County, Alabama, in its issues of July 26, August 2, and August 9, 1989; and

WHEREAS, on August 28, 1989, the day on which the foreclosure sale was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure sale was duly and properly conducted, and The Equitable Life Assurance Society of the United States did offer for sale and did sell at public outcry, in front of the courthouse door of the Shelby County, Alabama, Courthouse in the City of Columbiana, Alabama, the property hereinafter described, to wit:

PARCEL A A tract of land situated in the West 1/2 of the SW 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SW corner of Section 19; thence North along the West line of said section, 1,469.50 feet; thence 90 degrees 00' 00" right, 668.74 feet to the point of beginning, said point also being on the 422.00 foot contour line (M.S.L. Datum) of a lake; thence 68 degrees 13' 06" right, 64.19 feet; thence 82 degrees 01' 19" left, 30.00 feet; thence 90 degrees 00' 00" right, 18 feet; thence 90 degrees 00' 00" left, 14.00 feet; thence 90 degrees 00' 00" right, 65.00 feet; thence 90 degrees 00' 00" right, 14.00 feet; thence 90 degrees 00' 00" left, 20.00 feet; thence 93 degrees 19' 21" right, 15.00 feet thence 87 degrees 58' 03" left, 48.34 feet; thence 22 degrees 53' 36" right, 184.83 feet; thence 69 degrees 20' 00" right, 13.00 feet; thence 49 degrees 14' 51" left, 59.40 feet; thence 40 degrees 45' 09" left, 20.00 feet; thence 90 degrees 00' 00" right, 186.22 feet to the 422.00 foot contour line (M.S.L. Datum) of a lake; thence along said contour line 667 feet, more or less, said contour line being more particularly described by the following traverse line; thence from last stated course 88 degrees 26' 39" right, 70.15 feet; thence 08 degrees 38' 28" right, 81.95 feet; thence 117 degrees 48' 59" left, 52.42 feet; thence 110 degrees 16' 51" right, 62.37 feet; thence 23 degrees 22' 36" right, 68.36 feet; thence 39 degrees 46' 14" right, 59.05 feet; thence 05 degrees 18' 48" left, 143.40 feet; thence 08 degrees 27' 41" left, 128.93 feet to the point of beginning and containing 2.31 acres, more or less.

PARCEL B A tract of land situated in the SW 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Southwest corner of Section 19, thence North along the West line of said section 1,631.08 feet; thence 90 degrees 00' 00" right, 1,003.63 feet to the point of beginning, said point also being on the West right-of-way of a proposed road; thence 74 degrees 32' 08" right, to the tangent of a curve to the left, said curve having a central angle of 02 degrees 15' 11" and a radius of 770.00 feet; thence follow the arc of said curve and right-of-way 30.28 feet; thence tangent to said curve and along said right-of-way 60.07 feet to a curve to the right, said curve having a central angle of 16 degrees 15' 02" and a radius of 670.00 feet; thence follow the arc of said curve 190.03 feet; thence 91 degrees 27' 43" right and leaving said right-of-way 32.24 feet; thence 43 degrees 43' 54" left, 38.34 feet; thence 46 degrees 16' 06" left, 20.00 feet; thence 80 degrees 17' 34" right, 267.39 feet; thence 91 degrees 15' 50" right, 48.34 feet; thence 87 degrees 58' 03" right, 15.00 feet; thence 93 degrees 19' 21" left, 20.00 feet; thence 90 degrees 00' 00" right, 14.00 feet; thence 90 degrees 00' 00" left, 65.00 feet; thence 90 degrees 00' 00" left, 14.00 feet; thence 90 degrees 00' 00" right, 18.00 feet; thence 90 degrees 00' 00" left, 30.00 feet; thence 82 degrees 01' 19" right, 64.19 feet to a point on the 422.00 foot contour line (M.S.L. Datum) of a lake; thence along said contour line 353 feet, more or less, said contour line being more particularly described by the following traverse line, thence 64 degrees 28' 55" right, 46.66 feet; thence 24 degrees 24' 58" right; 172.02 feet; thence 00 degrees 57' 52" left, 134.44 feet; thence leaving said contour 88 degrees 23' 01" right, 22.63 feet to the point of beginning and containing 2.10 acres, more or less.

Together with those certain easements granted by RIVERCHASE OFFICE PLAZA COMPANY, more particularly described in that certain declaration of easements,

Dalch, Birmingham
P.O. Box 306

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the same being recorded in Book 314 at page 387 in the office of the Judge of Probate of Shelby County, Alabama.

Together with those certain easements granted by RIVERCHASE OFFICE PLAZA COMPANY, dated contemporaneously with the mortgage on the premises herewith and which said easements are to be recorded simultaneously with the said mortgage.

and;

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of The Equitable Life Assurance Society of the United States, in the amount of Seven Hundred Fifty-Nine Thousand Four Hundred Eighty-Three and 82/100 Dollars (\$759,483.82), which sum the said Equitable Life Assurance Society of the United States offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said The Equitable Life Assurance Society of the United States; and

WHEREAS, said mortgage expressly authorized the mortgagee to bid at the sale and purchase said property, if the highest bidder therefor, and authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at the said sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and of Seven Hundred Fifty-Nine Thousand Four Hundred Eighty-Three and 82/100 Dollars (\$759,483.82), cash credited against the indebtedness secured by said mortgage, the said Riverchase Office Plaza Company, an Alabama General Partnership, acting by and through the said The Equitable Life Assurance Society of the United States, by Romaine S. Scott, III, as auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said The Equitable Life Assurance Society of the United States, by Romaine S. Scott, III, as said auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and Romaine S. Scott, III, as said auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby grant, bargain, sell and convey unto The Equitable Life Assurance Society of the United States, the following described real estate situated in Shelby County, Alabama, to-wit:

PARCEL A A tract of land situated in the West 1/2 of the SW 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SW corner of Section 19; thence North along the West line of said section, 1,469.50 feet; thence 90 degrees 00' 00" right, 668.74 feet to the point of beginning, said point also being on the 422.00 foot contour line (M.S.L. Datum) of a lake; thence 68 degrees 13' 06" right, 64.19 feet; thence 82 degrees 01' 19" left, 30.00 feet; thence 90 degrees 00' 00" right, 18 feet; thence 90 degrees 00' 00" left, 14.00 feet; thence 90 degrees 00' 00" right, 65.00 feet; thence 90 degrees 00' 00" right, 14.00 feet; thence 90 degrees 00' 00" left, 20.00 feet; thence 93 degrees 19' 21" right, 15.00 feet thence 87 degrees 58' 03" left, 48.34 feet; thence 22 degrees 53' 36" right, 184.83 feet; thence 69 degrees 20' 00" right, 13.00 feet; thence 49 degrees 14' 51" left, 59.40 feet; thence 40 degrees 45' 09" left, 20.00 feet; thence 90 degrees 00' 00" right, 186.22 feet to the 422.00 foot contour line (M.S.L. Datum) of a lake; thence along said contour line 667 feet, more or less, said contour line being more particularly described by the following traverse line; thence from last stated course 88 degrees 26' 39" right, 70.15 feet; thence 08 degrees 38' 28" right, 81.95 feet; thence 117 degrees 48' 59" left, 52.42 feet; thence 110 degrees 16' 51" right, 62.37 feet; thence 23 degrees 22' 36" right, 68.36 feet; thence 39 degrees 46' 14" right, 59.05 feet; thence 05 degrees 18' 48" left, 143.40 feet; thence 08 degrees 27' 41" left, 128.93 feet to the point of beginning and containing 2.31 acres, more or less.

PARCEL B A tract of land situated in the SW 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Southwest corner of Section 19, thence North along the West line of said section 1,631.08 feet; thence 90 degrees 00' 00" right, 1,003.63 feet to the point of beginning, said point also being on the West right-of-way of a proposed road; thence 74 degrees 32' 08" right, to the tangent of a curve to the left, said curve having a central angle of 02 degrees 15' 11" and a radius of 770.00 feet; thence follow the arc of said curve and right-of-way 30.28 feet; thence tangent to said curve and along said right-of-way 60.07 feet to a curve to the right, said curve having a central angle of 16 degrees 15' 02" and a radius of 670.00 feet; thence follow the arc of said curve 190.03 feet; thence 91 degrees 27' 43" right and leaving said right-of-way 32.24 feet; thence 43 degrees 43' 54" left, 38.34 feet; thence 46 degrees 16' 06" left, 20.00 feet; thence 80 degrees 17' 34" right, 267.39 feet; thence 91 degrees 15' 50" right, 48.34 feet; thence 87 degrees 58' 03" right, 15.00 feet; thence 93 degrees 19' 21" left, 20.00 feet; thence 90 degrees 00' 00" right, 14.00 feet; thence 90 degrees 00' 00" left, 65.00 feet; thence 90 degrees 00' 00" left, 14.00 feet; thence 90 degrees 00' 00" right, 18.00 feet; thence 90 degrees 00' 00" left, 30.00 feet; thence 82 degrees 01' 19" right, 64.19 feet to a point on the 422.00 foot contour line (M.S.L. Datum) of a lake; thence along said contour line 353 feet, more or less, said contour line being more particularly described by the

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Together with those certain easements granted by RIVERCHASE OFFICE PLAZA COMPANY, more particularly described in that certain declaration of easements, the same being recorded in Book 314 at page 387 in the office of the Judge of Probate of Shelby County, Alabama.

Together with those certain easements granted by RIVERCHASE OFFICE PLAZA COMPANY, dated contemporaneously with the mortgage on the premises herewith and which said easements are to be recorded simultaneously with the said mortgage.

TO HAVE AND TO HOLD THE above described property unto The Equitable Life Assurance Society of the United States, forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem and any taxes which may be due.

IN WITNESS WHEREOF, the said The Equitable Life Assurance Society of the United States, has caused this instrument to be executed by Romaine S. Scott, III, as auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage, and in witness whereof the said Romaine S. Scott, III, has executed this instrument in his capacity as such auctioneer on August 28, 1989.

The Riverchase Office Plaza Company,
an Alabama General Partnership,
Mortgagors

By The Equitable Life Assurance Society of the
United States,
Mortgagee or Transferee of
Mortgagee

By R. S. Scott III
Romaine S. Scott, III, as
Auctioneer and the person
conducting said sale for
the Mortgagee or Transferee
of Mortgagee

The Equitable Life Assurance Society of the United
States,
Mortgagee or Transferee of
Mortgagee

By R. S. Scott III
Romaine S. Scott, III, as
Auctioneer and the person
conducting said sale for
the Mortgagee or Transferee
of Mortgagee

R. S. Scott III
Romaine S. Scott, III, as
Auctioneer and the person
conducting said sale for
the Mortgagee or Transferee
of Mortgagee

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, Sharon B. Rodgers, a Notary Public in and for
said State and County, hereby certify that Romaine S. Scott, III, whose name as Auctioneer and
the person conducting said sale for the Mortgagee or Transferee of 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, he, in his capacity as such Auctioneer and the person
conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority
executed this instrument voluntarily on the day that bears that same date.

Given under my hand and official seal this the August 28, 1989.

Sharon B. Rodgers
NOTARY PUBLIC

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Instrument prepared by:
Romaine S. Scott, III, Esquire
BALCH & BINGHAM
Post Office Box 306
Birmingham, Alabama 35201

GRANTEE'S ADDRESS:
Hayes Swann
The Equitable Life Assurance Society of the United States
5775-E Peachtree Dunwoody Road - Suite 500
Atlanta, Georgia

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

89 AUG 28 PM 4:29

Thomas H. Snowden, Jr.
JUDGE OF PROBATE

Deed Tax	NO TAX COLLECTED
Mtg. Tax	1.00
Recording Fee	10.00
Indexing Fee	3.00
TOTAL	15.00