

This instrument prepared by:
Jerry E. Held, Esquire
SIROTE & PERMUTT, P.C.
2222 Arlington Avenue South
Birmingham, Alabama 35205

Send Tax Notice to:
First Alabama Bank Shelby County
P. O. Box 216
Pelham, Al. 35124
(ACCOUNT NO. 164524689)

STATE OF ALABAMA)

COUNTY OF SHELBY)

785-

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 30th day of December, 1987, Don Kirby Construction, Inc. executed a certain mortgage on real property hereinafter described to First Alabama Bank Shelby County, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 166, Page 154; and

WHEREAS, in and by said mortgage, the Mortgagee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, according to the terms thereof, to sell said property before the Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving notice of the time, place, and terms of said sale in some newspaper published in said County by publication once a week for three (3) consecutive weeks prior to said sale 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 same, the Mortgagee or any person conducting said sale for the Mortgagee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Mortgagee may bid at the sale and purchase said property if the highest bidder thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said First Alabama Bank Shelby County did declare all of the indebtedness secured by said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in Shelby County Reporter, a newspaper of general circulation published in Shelby County,

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Alabama, in its issues of December 20, 27, 1989, and January 3, 1990; and

WHEREAS, on January 11, 1990, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure was duly conducted, and First Alabama Bank Shelby County did offer for sale and sell at public outcry in front of the Courthouse door in Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, James D. Campbell was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said First Alabama Bank Shelby County; and

WHEREAS, First Alabama Bank Shelby County was the highest bidder and best bidder in the amount of Thirty-nine thousand, four hundred thirteen and 28/100 Dollars (\$39,413.28) on the indebtedness secured by said mortgage, the said First Alabama Bank Shelby County, by and through James D. Campbell as auctioneer conducting said sale, and as attorney-in-fact for Mortgagee, First Alabama Bank Shelby County, does hereby grant, bargain, sell and convey unto First Alabama Bank Shelby County, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama:

A part of the SE 1/4 of Section 20, Township 22 South, Range 2 West, being more particularly described as follows: Commence at the Southeast corner of Section 20, Township 22 South, Range 2 West, and run West along said Section line 292 feet to the beginning point of the lot herein conveyed; thence North 28 degrees 47 minutes 30 seconds West 525.66 feet to the South right of way line of the Southern Railway Company; thence along said right of way South 59 degrees 56 minutes West 172 feet to the Northeast corner of property owned by Roselle Askins; thence run South 28 degrees 47 minutes 30 seconds East and along said Askins east property line to the South line of said Section 20 to a point which is 12 feet west of the beginning point; thence East along the South line of said Section 20 a distance of 172 feet to the point of beginning. LESS AND EXCEPT the following parcel: Commence at the Southeast corner of Section 20, Township 22 South, Range 2 West, and run South 86 degrees 30 minutes West 302 feet; thence North 29 degrees 40 minutes West 225.0 feet to the point of beginning; thence continue North 29 degrees 40 minutes West 232.70 feet to South right of way line of Highway No. 25; thence along said Highway right of way South 63 degrees 03 minutes West 71.0 feet; thence run South 28 degrees 14 minutes East 232.80 feet; thence run North 63 degrees 03 minutes East 77.30 feet to the point of beginning. Also,

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LESS AND EXCEPT the following parcel: Commence at the Southeast corner of Section 20, Township 22 South, Range 2 West, and run thence South 86 degrees 30 minutes West along the South boundary of said Section 20 a distance of 302 feet to the point of beginning, which said point is marked by an iron pin; thence North 29 degrees 40 minutes West 225 feet; thence South 63 degrees 03 minutes West 77.30 feet; thence South 28 degrees 14 minutes East 188.72 feet to the South boundary of said Section 20, which said point is marked by an iron pin; thence North 86 degrees 30 minutes East along the South boundary of said Section 20, a distance of 91 feet to the point of beginning. Also, LESS AND EXCEPT any part lying within the Highway right of way. Being situated in Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto First Alabama Bank Shelby County, its successors/heirs and assigns forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama.

IN WITNESS WHEREOF, First Alabama Bank Shelby County, Mortgagee, has caused this instrument to be executed by and through James D. Campbell as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, and said James D. Campbell, as said auctioneer and attorney-in-fact for said Mortgagee, has hereto set his/her hand and seal on this the 11th day of January, 1990.

FIRST ALABAMA BANK SHELBY COUNTY

By:

James D. Campbell
Auctioneer and Attorney-in-Fact

James D. Campbell
Auctioneer Conducting Said Sale

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

90 JAN 11 PM 1:23

Thomas A. Saunders, Jr.
JUDGE OF PROBATE

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James D. Campbell, whose name as auctioneer and attorney-in-fact for First Alabama Bank Shelby County, Mortgagee, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Mortgagee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 11th day of January, 1990.

NO TAX COLLECTED

Rec 7.50
Inst 3.00
Cert 1.00
No Tax 1.00
Total 12.50

Kathy K. Hamilton
Notary Public

My Commission Expires:

12/2/92