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SEND TAX NOTICE TO:

Mr. Paul E. Gaither  
12600 N.W. 13th Avenue  
North Miami, FL 33167

This instrument prepared by V. Wayne Causey, Attorney at Law, Post Office Drawer D, Calera, AL 35040.

STATE OF ALABAMA )

MORTGAGE FORECLOSURE DEED

COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, that, WHEREAS, on or about August 5, 1986 ROY A. SIMS and wife, BETTY J. SIMS, as Mortgagors, executed that certain mortgage conveying the real property hereinafter described to AVIATION ENGINES, INC., a corporation, as Mortgagee, which said mortgage was recorded on September 8, 1986 in Mortgage Book 089, at Pages 507-508, in the Office of the Judge of Probate of Shelby County, Alabama, which said mortgage was duly transferred and assigned to PAUL E. GAITHER, individually, as Mortgagee, on September 19, 1986 by instrument recorded on October 23, 1986 in Book 096, at Page 969, in the Office of the Judge of Probate of Shelby County, Alabama; and,

WHEREAS, said mortgage and the indebtedness secured thereby, as evidenced by that certain real estate mortgage note executed on August 5, 1986 by said Mortgagors, are and were as of the date upon which this foreclosure proceeding was instituted, and are and were as of the date upon which the foreclosure deed was executed and delivered, 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 all or any part of the real property conveyed by said mortgage 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 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 said mortgage 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 indebtedness secured by said mortgage, and such default continuing, even though said Mortgagee gave prior written notice to said Mortgagors that such default would result in acceleration of said note and foreclosure of said mortgage; and,

*V. Wayne Causey*  
P.O. Drawer D  
Calera, AL 35040

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Paul E. Gaither/Roy A. Sims and wife, Betty J. Sims

WHEREAS, said Mortgagee did give due and proper notice of the foreclosure of said mortgage 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 February 7, 14 and 21, 1990; and,

WHEREAS, on the 2nd day of March, 1990 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 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, all of the real property conveyed by said mortgage, as is hereinafter described, and against which said Mortgagee held a second lien; and,

WHEREAS, the undersigned, V. Wayne Causey, was the auctioneer, agent and attorney-in-fact who conducted said foreclosure sale and was the person conducting said sale for the said Paul E. Gaither; and,

WHEREAS, the last, highest and best bid for said real property described in said mortgage was the bid of Paul E. Gaither in the amount of Thirteen-Thousand-Thirty and 92/100 (\$13,030.92) Dollars on the indebtedness secured by said mortgage, and at said sale Paul E. Gaither became the purchaser of said property.

NOW THEREFORE, in consideration of the premises, said PAUL E. GAITHER, by and through V. Wayne Causey, as auctioneer conducting said sale and as attorney-in-fact for Paul E. Gaither, ROY A. SIMS and BETTY J. SIMS, respectively, and by and through V. Wayne Causey, as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the said PAUL E. GAITHER, his heirs, executors and assigns, the following described real property situated in Shelby County, Alabama, together with all improvements thereon and appurtenances thereto, to-wit:

Lots 4 and 5, in Block 57, according to J. H. Dunstan's Map of the Town of Calera, Alabama, which map is on file in the Tax Assessor's Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Being the same property as Lots 4 and 5, in Block 57 according to the Resurvey of Russell R. Hetz property, as recorded in Map Book 3 page 119 in said Probate Office, being situated in Shelby County, Alabama.

TO HAVE AND TO HOLD the above-described real estate unto the said Paul E. Gaither, his heirs, executors and assigns forever, together with the hereditaments and appurtenances thereto belonging; subject, however, to: (1) the statutory right

**MORTGAGE FORECLOSURE DEED**

Paul E. Gaither/Roy A. Sims and wife, Betty J. Sims

of redemption from said foreclosure sale on the part of those entitled to redeem, as provided by the laws of Alabama; (2) all easements and rights-of-way of record in said Probate Records; (3) municipal assessments, if any, by Town of Calera; and, (4) ad valorem taxes for 1990 and subsequent years.

IN WITNESS WHEREOF, the said Paul E. Gaither, Roy A. Sims and wife, Betty J. Sims, have caused this instrument to be executed by and through V. Wayne Causey, 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 2nd day of March, 1990.

ROY A. SIMS and wife,  
BETTY J. SIMS

BY:  (SEAL)

V. Wayne Causey, as  
Auctioneer and  
Attorney-in-Fact

PAUL E. GAITHER

BY:  (SEAL)

V. Wayne Causey, as  
Auctioneer and  
Attorney-in-Fact

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

90 MAR 14 AM 10:24

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 V. Wayne Causey, whose name as Auctioneer is signed to the foregoing conveyance, and who signed the name of Roy A. Sims and Betty J. Sims to the above conveyance, and also signed the name of Paul E. Gaither 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 Mortgagee, and for and as the act of said Roy A. Sims and wife, Betty J. Sims, Mortgagors, in the mortgage referred to in the foregoing deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal on this the 2nd day of March, 1990.

  
Notary Public

My commission expires: January 10, 1991

1. Deed Tax	\$
2. Mtg. Tax	\$
3. Recording Fee	\$ 2.50
4. Indexing Fee	\$ 2.50
5. No Tax Fee	\$ 7.50
6. Certified Fee	\$
<b>Total</b>	<b>\$ 12.50</b>