

THIS INSTRUMENT WAS PREPARED BY:

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

SEND TAX NOTICE TO:

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

STATE OF ALABAMA )

SHELBY COUNTY )

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that whereas, heretofore on, the 22nd day of June, 1985, Charles L. Holcomb and wife, Martha J. Holcomb, and ALB, Ltd., an Alabama limited partnership, executed a Mortgage to Guaranty Federal Savings and Loan Association, on property hereinafter described, which said Mortgage is recorded in Book 33, Page 694, in the Office of the Judge of Probate of Shelby County, Alabama, and subsequently assigned to City Federal Savings and Loan by assignment recorded in Book 35, Page 768, 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 City Federal Savings and Loan Association was empowered and authorized, after giving notice of the time, place and terms of sale once a week for three (3) consecutive weeks in some newspaper published in Shelby County, Alabama, to sell said property at public outcry to the highest bidder for cash from the front door of the County Courthouse for Shelby County, Alabama, at which sale City Federal Savings and Loan Association was authorized to bid, and if the highest bidder therefor, to become the purchaser of the said property; and

WHEREAS, default was made in the payment of the indebtedness secured by said Mortgage, and City Federal Savings and Loan Association 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 the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, in its issues of February 14, 21 and 28, 1990; and

WHEREAS, pursuant to subsections (b)(2)(c) and (c)(1) of Section 7425 of Title 26 of the United States Code, proper notice of said sale was duly given to the District Director, Internal Revenue Service, Birmingham, Alabama 35203, Attention: Chief Special Procedures Staff, by letter dated February 14, 1990.

Such notice was acknowledged by the Internal Revenue Service as timely and sufficient by letter dated March 19, 1990, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference; and

WHEREAS, on April 3, 1990, the day on which the foreclosure was due to be held under the terms of said notice during the legal hours of sale, said foreclosure was duly conducted and City Federal Savings and Loan Association did offer for sale and sell at public outcry in front of the main Main Street entrance of the Shelby County Courthouse, in Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Patti J. Sims was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for City Federal Savings and Loan Association; and

WHEREAS, City Federal Savings and Loan Association was the highest and best bidder for said property with its bid of SEVENTY-EIGHT THOUSAND FOUR HUNDRED SIXTY-TWO AND 08/100 DOLLARS (\$78,462.08).

NOW, THEREFORE, in consideration of the premises and the sum of SEVENTY-EIGHT THOUSAND FOUR HUNDRED SIXTY-TWO AND 08/100 DOLLARS (\$78,462.08), Charles L. Holcomb, and wife Martha J. Holcomb, and ALB, Ltd., an Alabama limited partnership, by and through City Federal Savings and Loan Association, by and through Kathryn S. Carver, as agent and attorney-in-fact for City Federal Savings and Loan Association, and by and through Patti J. Sims, as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto City Federal Savings and Loan Association the following described property situated in Shelby County, Alabama:

Lot 7, Block 6, according to the Survey of Bermuda Hills, Second Sector, Third Addition, as recorded in Map Book 9, Page 46, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. Ad valorem taxes for the year 1990 and taxes for all subsequent years.
2. 35 foot Building line as shown by recorded Map.
3. 10 foot Easement on rear as shown by recorded Map.
4. Right of way for Alabama Power Company as recorded in Real Volume 15, page 911 and Real Volume 32, page 918 in the Probate Office of Shelby County, Alabama.

5. Coal, oil, gas and other mineral interests in, to or under the land herein described.
6. All statutory rights of redemption from said foreclosure sale.

TO HAVE AND TO HOLD the above described property unto City Federal Savings and Loan Association, its successors and assigns forever.

IN WITNESS WHEREOF, Charles L. Holcomb, and wife Martha J. Holcomb, and ALB, Ltd., an Alabama limited partnership, have caused these presents to be executed by and through City Federal Savings and Loan Association, and by and through the undersigned auctioneer conducting said sale, both duly authorized on this the 3rd day of April, 1990.

CHARLES L. HOLCOMB, and wife MARTHA J. HOLCOMB, and 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: Patti J. Sims  
PATTI J. SIMS  
Auctioneer Conducting Sale

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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 10th day of April, 1990.

My Commission Expires:  
7/18/92

Romona D. Roberts  
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 Patti J. Sims, 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 10th day of April, 1990.

My commission expires:  
7/18/92

Romona Roberts  
NOTARY PUBLIC

Exhibit "A"

Internal Revenue Service

District  
Director

KATHRYN S. CARVER  
1700 FIRST ALABAMA BANK BLDG  
BIRMINGHAM, AL 35203

RE: Nonjudicial Sale  
Charles L. Holcomb, Jr.  
63-0882249

Department of the Treasury

500 South, 22nd Street, Stop 216  
Birmingham, AL 35233

Person to Contact:  
Cliff Whitely

Telephone Number:  
(205) 731-1248

Refer Reply to:  
550:CW

Date:  
03/19/90

Dear Ms. Carver:

This is to acknowledge receipt of your correspondence dated 02/14/90 regarding the above-named taxpayer. This notice is considered adequate under the provisions of Section 7425 of the Internal Revenue Code.

The Internal Revenue Service does not waive its right to redemption as to real property. If you desire to submit an application for our release of right of redemption, please request a copy of our Publication 487 from our local office or this office. A payment may be required to secure a release.

If you obtain excess proceeds from your sale, they are subject to lien(s) of the Internal Revenue Service. Please notify us by phone or mail immediately of any excess proceeds.

Sincerely yours,

*Cliff Whitely*  
Cliff Whitely, Advisor  
Special Procedures Staff

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

90 APR 13 PM 1:34

*Thomas A. Saunders, Jr.*  
JUDGE OF PROBATE

NO TAX COLLECTED

1. Deed Tax	—	\$	—
2. Mtg. Tax	—	\$	—
3. Recording Fee	—	\$	12.50
4. Indexing Fee	—	\$	3.00
5. No Tax Fee	—	\$	1.00
6. Certified Fee	—	\$	1.00
Total	—	\$	17.50

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