

STATE OF ALABAMA

COUNTY OF SHELBY

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS that a mortgage was executed by Charles Whitfield and Nancy Whitfield to First Capital Mortgage Corporation dated April 15, 1988, recorded in Book 180, Page 984, et seq., Shelby County, Alabama, Probate Court Records, which mortgage was transferred and assigned to Altus Bank, A Federal Savings Bank by instrument recorded in Book 180, Page 989, Shelby County, Alabama, Probate Court Records; and

WHEREAS, default was made in the payment of said mortgage and the said Altus Bank, A Federal Savings Bank, as mortgagee, under and by virtue of the power of sale contained in said mortgage, 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 of said mortgage, by publication in the Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama, in its issues of June 20, June 27, and July 4, 1990; and

WHEREAS, on July 12, 1990, the day on which the foreclosure sale was due to be held under the terms of said notices, between legal hours of sale, said foreclosure sale was duly and properly conducted and Altus Bank, A Federal Savings Bank did offer for sale and did sell at public outcry in front of the main entrance of the Shelby County Courthouse in Columbiana, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of Altus Bank, A Federal Savings Bank in the amount of \$23,057.44, which sum Altus Bank, A Federal Savings Bank offered to credit on the indebtedness secured by said mortgage, and said property thereupon sold to Altus Bank, A Federal Savings Bank; and

WHEREAS, said mortgage expressly authorized the holder of said mortgage, 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 a credit of TWENTY THREE THOUSAND FIFTY SEVEN AND 44/100 (\$23,057.44) DOLLARS on the indebtedness secured by said mortgage, the said Charles Whitfield and Nancy Whitfield, mortgagors, acting by and through Altus Bank, A Federal Savings Bank, as mortgagee, by Joseph P. Jones, Jr., as attorney-in-fact for all parties separately, and by William R. Justice, as auctioneer and the person conducting the said sale for each of said parties, do hereby GRANT, BARGAIN, SELL and CONVEY unto ALTUS BANK, A FEDERAL SAVINGS BANK, its successors and assigns, the Grantee, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 114 as shown on a map entitled "Property Line Map of Siluria Mills" prepared by Joseph A. Miller, Registered Civil Engineer, on October 5th, 1965, more particularly described as follows:

Commence at the intersection of the southerly right of way line of 1st Avenue and the westerly right of way line of Fallon Ave., said right of way lines as shown on the map of Dedication of the Street and Easements, Town of Siluria, Alabama, then northwesterly along said right of way line of 1st Ave. for 150.00 feet to the point of beginning; thence 91 degrees 08 minutes 38 seconds left and run southwesterly for 106.27 feet; thence 89 degrees 53 minutes 11 seconds right and run northwesterly for 78.99 feet; then 90 degrees 06 minutes 36 seconds right and run northeasterly for 108.00 feet to a point on the southerly right of way line of 1st Ave.; thence 91 degrees 08 minutes 51 seconds right and run southeasterly along said right of way line of 1st Avenue for 79.00 feet to the point of beginning. Situated in Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto Grantee, and unto Grantee's heirs, successors and assigns, forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem as so provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, Altus Bank, A Federal Savings Bank, as mortgagee, and Charles Whitfield and Nancy Whitfield, as mortgagors, have caused this instrument to be executed by and through Joseph P. Jones, Jr., as attorney-in-fact for all parties

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separately, and by William R. Justice, as auctioneer  
conducting said sale for each of said parties, on this the 12th  
day of July, 1990.

CHARLES WHITFIELD and  
NANCY WHITFIELD,  
mortgagors

ALTUS BANK, A FEDERAL SAVINGS  
BANK, mortgagee

By: Joseph P. Jones, Jr.  
as attorney-in-fact

By: William R. Justice  
as auctioneer and the person  
conducting said sale

STATE OF ALABAMA  
COUNTY OF MOBILE

I, the undersigned, a Notary Public in and for said State  
and County, hereby certify that JOSEPH P. JONES, JR., whose name  
as attorney-in-fact is signed to the foregoing conveyance, and  
who signed the name of Charles Whitfield and Nancy Whitfield  
and who also signed the name of Altus Bank, A Federal Savings  
Bank 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, in his capacity as said  
attorney-in-fact, executed this instrument voluntarily on the day  
the same bears date, for and as the act of Altus Bank, A Federal  
Savings Bank, as mortgagee, and as the action of Charles  
Whitfield and Nancy Whitfield, mortgagors, in the mortgage  
referred to in the foregoing conveyance.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on  
this 12th day of July, 1990.

Quay Phillips  
NOTARY PUBLIC  
My commission expires: 12-19-93

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said State  
and County, hereby certify that William R. Justice,  
whose name as auctioneer is signed to the foregoing conveyance,  
and who signed the names of Charles Whitfield and Nancy  
Whitfield and who also signed the name of Altus Bank, A Federal  
Savings Bank 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, in his capacity as said  
auctioneer and the person conducting the sale, executed this  
instrument voluntarily on the day the same bears date, for and as  
the act of Altus Bank, A Federal Savings Bank, as mortgagee, and  
as the action of Charles Whitfield and Nancy Whitfield,  
mortgagors, in the mortgage referred to in the foregoing  
conveyance.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on  
this the 12th day of July, 1990.

Bonita Y. Davidson  
NOTARY PUBLIC  
My commission expires: 9-21-92

Grantee's Address:  
Altus Bank, A Federal Savings Bank  
P. O. Box 160029  
Mobile, Alabama 36616

THIS INSTRUMENT PREPARED BY:  
Joseph P. Jones, Jr., Esq.  
Sirote & Permutt, P.C.  
One St. Louis Centre, Suite 1000  
Post Office Drawer 2025  
Mobile, Alabama 36652  
(205) 432-1671

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*General*  
*to*  
1. Deed Tax -----  
2. Mtg. Tax -----  
3. Recording Fee -----  
4. Indexing Fee -----  
5. N. Tax Fee -----  
6. Certified Fee -----  
Total -----

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
92 JUL 12 PM 2:34