

STATE OF ALABAMA

COUNTY OF SHELBY

XCLP-ME 225806 30 02

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS that on July 10, 1985, Agha F. Afgan and Shasta K. Afgan executed and delivered to the Central Bank of the South Birmingham, Alabama, a Mortgage on certain real property, recorded in Real Property Volume 033 at Page 618 in the Office of the Judge of Probate, Shelby County, Alabama.

WHEREAS, said Note and Mortgage were assigned by the Central Bank of the South to the U. S. SMALL BUSINESS ADMINISTRATION, an agency of the United States, (hereinafter referred to as "SBA"), by Assignment of Note and Security dated September 29, 1988, and recorded in Book 208 at Page 112 in the Office of the Judge of Probate of said County; and

WHEREAS, default was made, and the Mortgage was subject to foreclosure because of said default.

WHEREAS, in said Mortgage, the mortgagees or their assigns were authorized and empowered, in case of default, to sell the real property. Said Mortgage also provided that the mortgagees or their assigns, after having given notice of the time, place and terms of sale prior to said sale, are empowered and authorized to execute title to the purchaser of said real property at said sale.

WHEREAS, default having been made, SBA did declare all of the indebtedness secured by said Mortgage due and payable and declared the real property subject to foreclosure. As provided in the said Mortgage, SBA gave due and proper notice of foreclosure of said Mortgage by publishing a Notice of Foreclosure Sale in Shelby County Reporter, a newspaper published in Shelby County, Alabama, in the issues of May 1, May 8, May 15, and May 22, 1991.

WHEREAS, at or about 11:00 A.M., on May 23, 1991, the date on which

Inst # 1992-25669

11/04/1992-25669
10:13 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
65.50
005 MJS

77116 A

the foreclosure sale was due to be held under the terms of said notice and during the legal hours of sale, foreclosure was duly and properly conducted, and the SBA, as Mortgagee, did offer for sale and did sell at public outcry before the Shelby County Courthouse Door, Columbiana, Alabama, the property hereinafter described.

WHEREAS, the highest bidder was Lewis E. Atchison, Sr., John H. Farr, Jr. and Johnny M. Howard, Sr. at and for a high bid of \$49,000.00, whereupon the property was knocked down to said highest bidder.

NOW, THEREFORE, for and in consideration of the sum of \$49,000.00 credited to said indebtedness, the SBA does hereby grant, convey, sell, transfer and deliver unto Lewis E. Atchison, Sr., John H. Farr, Jr. and Johnny M. Howard, Sr. and their assigns, the following described real property, to-wit:

Commencing at the Northeast corner of the NE 1/4 of SE 1/4, Section 26, Township 21, Range 1 West, Shelby County, Alabama, and thence run South 1 deg. 00 min. East along Section line a distance of 12.0 feet to a 6" x 6" concrete post; thence South 85 deg. 00 min. West a distance of 664.27 feet to an iron pin at the Northeast corner of F. E. Williams lot; thence North 82 deg. 10 min. West a distance of 126.84 feet to point of beginning; thence North 21 deg. 13 min. East along West right-of-way line of Ala. Highway 25 a distance of 83.21 feet to an iron pin; thence North 1 deg. 09 min. West along West side of Mill Street 103.53 feet to the Southeast corner of the lot formerly known as Wilton Roper lot; thence South 85 deg. 02 min. West a distance of 197.79 feet to an iron pin on East right-of-way of L & N Railroad; thence along said Railroad right-of-way South 24 deg. 44 min. East a distance of 222.57 feet to center of Town Branch; thence East along the center of Town Branch to the West right-of-way line of Highway No. 25; thence along same North 21 deg. 13 min. East 11 feet to point of beginning.

Also commencing at the Northeast corner of the NE 1/4 of SE 1/4 Section 26, Township 21, Range 1 West, Shelby County, Alabama, and thence run South 1 deg. 00 min. East along Section line a distance of 12.0 feet to a 6" x 6" concrete post; thence South 85 deg. 00 min. West a distance of 664.27 feet to an iron pin at the Northeast corner of F. E.

Williams lot; thence North 82 deg. 10 min. West a distance of 126.84 feet; thence North 21 deg. 13 min. East along the West right-of-way line of Alabama Highway 25 a distance of 83.21 feet to an iron pin; thence North 1 deg. 09 min. West along the West side of Mill Street 103.53 feet to the point of beginning; thence South 85 deg. 02 min. West along the L. O. Brown lot a distance of 50 feet; thence North 1 deg. 09 min. West and parallel with the West boundary of Mill Street a distance of 87 feet, more or less, to the South line of Valley Mills property; thence along same North 85 deg. 02 min. East a distance of 50 feet to the West line of Mill Street; thence South 1 deg. 09 min. East and parallel to Mill Street 87 feet, more or less, to point of beginning.

Situated in Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto the said Lewis E. Atchison, Sr., John H. Farr, Jr. and Johnny M. Howard, Sr. and their assigns forever. However, it is expressly stipulated and agreed, that this conveyance is made without representation, warranty or recourse, express or implied, as to title, use and/or enjoyment of the real property described above. This conveyance is also made without representation, warranty or recourse, express or implied, as to unpaid taxes (ad valorem or otherwise - if any) and is made subject to the statutory right of redemption.

It is hereby agreed between and among the parties, and notice is hereby given, that the terms "SBA," "Small Business Administration," "Small Business Administration, an agency of the United States of America," and "Administrator of the Small Business Administration, an agency of the Government of the United States of America" are the same and synonymous, and that the real party in interest is the Government of the United States of America.

SBA has made no representations or warranties as to the physical condition of the real estate and/or any improvements therein. SBA was not familiar with the environmental condition of the real estate either at the date of the foreclosure sale on said real estate or at the date of execution of this foreclosure deed and has made no statements or warranties that said

real estate is or is not free of any hazardous and/or toxic substances.

Purchaser of said real estate releases and holds and saves SBA harmless from and against all claims, losses, demands, costs, expenses, (including attorneys fees and other legal costs), liabilities, damages and judgments arising out of or related to SBA's use (past, present, or future) of said real estate or breach of this representation. Purchasers of said real estate acknowledge their understanding, acceptance of and agreement with the conditions, releases, indemnities, representations and warranties set forth.

IN WITNESS WHEREOF, SBA has caused this conveyance to be executed by Harold G. Mayfield, Chief, Portfolio Management Division, Birmingham District Office, Birmingham, Alabama, pursuant to the authority contained in 47 Federal Register 2305, the contents of which publication are to be judicially noticed pursuant to 44 United States Code 1507.

THIS, the 3rd day of June, 1991.

U. S. SMALL BUSINESS ADMINISTRATION

THIS INSTRUMENT PREPARED BY:

John Ben Bancroft
Attorney Advisor
U.S. Small Business Administration
2121-8th Avenue, North, Suite 200
Birmingham, Alabama 35203-2398

By Harold G. Mayfield
Harold G. Mayfield, Chief
Portfolio Management Division
Birmingham District Office
Birmingham, Alabama

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Harold G. Mayfield, whose name as Chief, Portfolio Management Division, Birmingham District Office, U. S. Small Business Administration, 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 Chief, Portfolio Management Division, Birmingham District Office, U. S. Small Business Administration, with full authority executed the same voluntarily for and as the act of U. S. Small Business Administration.

GIVEN UNDER MY HAND and seal this the 3rd day
of June, 1991.

Carolyn Norton
Notary Public

My Commission Expires:

7-17-94

Inst # 1992-25669

11/04/1992-25669
10:13 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MJS 65.50