

Inst # 1992-29499

STATE OF ALABAMA :

SHELBY COUNTY :

12/09/1992-29499  
10:44 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 10.00

KNOW ALL MEN BY THESE PRESENTS, that whereas, heretofore, on, to-wit: August 27, 1991, William Kent Fullington and Ellen B. Fullington, executed a certain mortgage on property hereinafter described to Birmingham Lumber & Building Materials, Inc., which said mortgage is recorded in Real 4140, page 718, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, in and by said mortgage, the mortgagee was authorized and empowered in the case of default in the payment of the indebtedness thereby secured, 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 publishing in said city by publication once a week for three consecutive weeks prior to said sale of 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 therefore; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said Birmingham Lumber & Building Materials, Inc. 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, Alabama, in its issues of November 11, 1992, November 18, 1992 and November 25, 1992; and

WHEREAS, on November 30, 1992, 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 Birmingham Lumber & Building Materials, Inc. did offer for sale and sell at public outcry in front of the Courthouse door in Shelby County, Columbiana, Alabama, the property hereinafter described; and

WHEREAS, John R. Frawley, Jr. was the auctioneer who conducted said foreclosure sale and John R. Frawley, Jr. was the person conducting the sale for the said Birmingham Lumber & Building Materials, Inc., and whereas the said Birmingham Lumber & Building Materials, Inc. was the highest bidder and best bidder, in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) on the indebtedness secured by said Mortgage, the said Birmingham Lumber & Building Materials, Inc., by and through John R. Frawley, Jr., as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto Birmingham Lumber & Building Materials, Inc. the following described property situated in Shelby County, Alabama, to-wit:

Lot 23, Block 4, according to the Amended Map of Woodford, as recorded in Map Volume 8, Page 51 ABCD, in the Office of the Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto Birmingham Lumber & Building Materials, Inc., its 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, Birmingham Lumber & Building Materials, Inc. has caused this instrument to be executed by and through John R. Frawley, Jr., as auctioneer conducting the said sale and as Attorney-in-Fact, and John R. Frawley, Jr., as auctioneer conducting said sale, has hereto set his hand and seal on this the 30th day of November, 1992.

BY:

  
AUCTIONEER AND ATTORNEY IN FACT

  
AUCTIONEER CONDUCTING SAID SALE

STATE OF ALABAMA :

JEFFERSON COUNTY :

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John R. Frawley, Jr., whose name as auctioneer and Attorney-in-Fact for Birmingham Lumber & Building Materials, Inc., and John R. Frawley, Jr., whose name as auctioneer conducting said sale, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 30th day of November, 1992.

  
NOTARY PUBLIC

My commission expires 8-22-96.

This Instrument Prepared By:

John R. Frawley, Jr.  
Attorney Computer Number FRA011  
Attorney at Law  
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