

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that whereas, heretofore on, to-wit: February 3, 1989, WILLIAM A. SIMMONS and wife, MARTHA H. SIMMONS executed a certain mortgage on the property hereinafter described to NELSON WAYNE ARCHER and wife, JANICE ARCHER, as mortgagee and said mortgage is recorded in Real Book 225, Page 426, in the Office of the Judge of Probate of Shelby County, Alabama; and said mortgage being assigned to the CITY BANK OF CHILDERSBURG, a banking corporation, by assignment of note and security dated the 3rd day of February, 1989, and recorded in Real Book 225, Page 431, in the Office of the Judge of Probate of Shelby County, Alabama, and,

Whereas, under the terms of the mortgage the Mortgagee was authorized and empowered in the event of default in the payment of the indebtedness secured thereby, according to the terms thereof, to sell said property at public sale after giving notice of the time and place of such sale by publishing such notice once a week for four successive weeks in a newspaper published in said County; and

Whereas, default was made in the payment of the indebtedness secured by said mortgage and the Mortgagee declared all of the indebtedness secured due and payable, and said mortgage subject to foreclosure and gave due and proper notice of said foreclosure sale by publication in the The Shelby County Reporter, a newspaper published in the City of Columbiana, Shelby County, Alabama, in its issues of March 24, 1993, March 31, 1993 and April 7, 1993 and,

Whereas, on March 17, 1993, notice was given to all title holders and lienholders, notifying them of the date and sale, and

Whereas, on the 14th day of April, 1993, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, said sale was duly and properly conducted and CITY BANK OF CHILDERSBURG, a banking corporation, as the owner of said mortgage offered said property for sale at public outcry as provided in said mortgage and J. VAN WILKINS, was the auctioneer and agent who conducted said sale for the Mortgagee; and

Whereas, the highest and best bid for the property described in said mortgage was the bid of CITY BANK OF CHILDERSBURG, a banking corporation, acting by and through its attorney-in-fact, J. VAN WILKINS, in the sum of Forty-Two Thousand Eight Hundred Eighty-Seven and 37/100 (\$42,887.37) Dollars which sum of money CITY BANK OF CHILDERSBURG, a banking corporation, as mortgagee and owner, offered to credit on the indebtedness secured by said mortgage and said property was thereupon sold to CITY BANK OF CHILDERSBURG, a banking corporation.

NOW THEREFORE, in consideration of the premises and a credit in the amount of Forty-Two Thousand Eight Hundred Eighty-Seven and 37/100 (\$42,887.37) Dollars on the indebtedness secured by said mortgage the said CITY BANK OF CHILDERSBURG, a banking corporation, by and through J. VAN WILKINS, as auctioneer, conducting the said sale and as attorney-in-fact for CITY BANK OF CHILDERSBURG, a banking corporation, and said J. VAN WILKINS, as the auctioneer conducting the said sale, does hereby grant, bargain, sell and convey unto CITY BANK OF CHILDERSBURG, the following described property situated in Shelby County, Alabama, to-wit:

04/14/1993-10257  
01:23 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 15.00

Begin at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 20 South, Range 1 East, and run West along the West along the North line thereof (and an existing fence) 902.79 feet to the Northeasterly edge of a creek; thence 156 degrees 23 minutes 40 seconds left and run along said creek 355.33 feet; thence 21 degrees 53 minutes 35 seconds left and run 183.05 feet; thence 81 degrees 27 minutes 56 seconds right and run 793.69 feet; thence 24 degrees 55 minutes 51 seconds left and run 599.29 feet; thence 19 degrees 26 minutes 28 seconds right and run 548.89 feet; thence 21 degrees 32 minutes 35 seconds right and run 78.45 feet to the North line of a proposed 60-foot road right of way; thence 91 degrees 27 minutes 05 seconds left and run along said right of way line 702.75 feet; thence 13 degrees 18 minutes 54 seconds left and continue along said right of way line 246.10 feet; thence 19 degrees 15 minutes 42 seconds right and run 245.74 feet to a fence; thence 103 degrees 05 minutes 49 seconds left and run along said fence 835.70 feet to a fence corner; thence 90 degrees 15 minutes 12 seconds left and continue along said fence 1306.84 feet to another fence corner; thence 89 degrees 31 minutes 45 seconds right and run along said fence 1344.59 feet to the point of beginning.

LESS AND EXCEPT the following described parcel of land: Commence at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 20 South, Range 1 East, and run West along the North line thereof (and an existing fence) 902.79 feet to the Northeasterly edge of a creek; thence 156 degrees 23 minutes 40 seconds left and run along said creek 355.33 feet; thence 21 degrees 53 minutes 35 seconds left and run 183.05 feet; thence 81 degrees 27 minutes 56 seconds right and run 793.69 feet; thence 24 degrees 55 minutes 51 seconds left and run 599.29 feet; thence 19 degrees 26 minutes 28 seconds right and run 548.89 feet; thence 21 degrees 32 minutes 35 seconds right and run 78.45 feet to the North line of a proposed 60-foot road right of way; thence 91 degrees 27 minutes 05 seconds left and run along said right of way 702.75 feet; thence 13 degrees 18 minutes 54 seconds left and continue along said right of way line 246.10 feet to the point of beginning; thence 19 degrees 15 minutes 42 seconds right and run 245.74 feet to a fence; thence 103 degrees 05 minutes 49 seconds left and run along said fence 835.70 feet to a fence corner; thence 90 degrees 15 minutes 12 seconds left and continue along said fence 45 feet to a point; thence turn left and run in a Southerly direction to the point of beginning.

Together with a non-exclusive 60-foot easement for ingress and egress, lying 30 feet on either side of the following described centerline: Commence at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 17, Township 20 South, Range 1 East and run North 17 degrees 42 minutes 14 seconds East for 263.84 feet; thence 10 degrees 00 minutes left run 355.39 feet to the point of beginning; thence 88 degrees 33 minutes 25 seconds right run 707.02 feet; thence 13 degrees 13 minutes 46 seconds left run 244.48 feet; thence 19 degrees 15 minutes 34 seconds right run 289.07 feet; thence 24 degrees 00 minutes 48 seconds left run 152.0 feet; thence 10 degrees 54 minutes 57 seconds right run 239.83 feet; thence 52 degrees 34 minutes 48 seconds left run 169.72 feet to the Westerly right-

of-way of Shelby County Hwy. #55, and the point of ending of said centerline.

TO HAVE AND TO HOLD the above described property unto the said CITY BANK OF CHILDERSBURG, a banking corporation, its successors and assigns forever; subject, however, to the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, the CITY BANK OF CHILDERSBURG, a banking Corporation, has caused this instrument to be executed by and through J. VAN WILKINS, as Auctioneer conducting said sale, and as Attorney-in-Fact and J. VAN WILKINS as Auctioneer conducting said sale, has hereto set his hand and seal on this the 14<sup>th</sup> day of April, 1993.

CITY BANK OF CHILDERSBURG, a  
banking Corporation

BY: J. Van Wilkins  
As Auctioneer and Attorney-  
in-Fact

J. Van Wilkins  
J. VAN WILKINS, as Auctioneer  
conducting said sale

STATE OF ALABAMA )  
TALLADEGA COUNTY )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. VAN WILKINS, whose name as Auctioneer and Attorney-in-Fact for CITY BANK OF CHILDERSBURG, a banking corporation, 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 said conveyance, he, in his capacity as said Auctioneer and Attorney-in-Fact, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 14<sup>th</sup> day of April, 1993.

Ottie Morris  
NOTARY PUBLIC

STATE OF ALABAMA )  
TALLADEGA COUNTY )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. VAN WILKINS, whose name as Auctioneer conducting said sale, 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 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 14<sup>th</sup> day of April, 1993.

Ottie Morris  
NOTARY PUBLIC

Prepared by:  
J. VAN WILKINS  
Attorney at Law  
P.O. Box 479  
Talladega, Alabama 35160

# STATE OF ALABAMA SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, **Kim N. Price**, who being duly sworn according to law deposes and says that he is Publisher of the **SHELBY COUNTY REPORTER**, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 3 weeks consecutively, to-wit in issues thereof dated as follows: *March 24, 31 &*

*April 7, 1993*

*Kim N. Price*, Publisher

subscribed and sworn before me, this *7th* day of

*April*, 19*93*.

THOMAS A. SNOWDEN, JR.

Judge of Probate

## LEGAL NOTICE MORTGAGE FORECLOSURE SALE

Default having been made in the payment of the indebtedness secured by that certain mortgage executed by William A. Simmons and wife, Mantha H. Simmons, on February 3, 1988, to Nelson Wayne Archer and wife, Janice Archer, said mortgage being recorded in the office of the Judge of Shelby County, Alabama, in Real Book 225, Page 426, and said mortgage being assigned to the City Bank of Childersburg, a banking corporation, by assignment of note and security dated the 3rd day of February, 1989, and recorded in Real Book 225, Page 431, in the Office of the Judge of Probate of Shelby County, Alabama, and City Bank of Childersburg, as the owner and holder of said mortgage, by reason of such default having declared the indebtedness secured by said mortgage due and payable and such default continuing, notice is hereby given that, acting under the power of sale contained in said mortgage, City Bank of Childersburg, will sell at public outcry to the highest bidder for cash in front of the main courthouse door of the Shelby County Courthouse in the City of Columbiana, Shelby County, Alabama, on the 14th day of April, 1993, during the legal hours of sale the following real estate, situated in Shelby County, Alabama, to-wit:

Begin at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 20 South, Range 1 East, and run West along the North line thereof (and an existing fence) 902.79 feet to the Northeastern edge of a creek; thence 158 degrees 23 minutes 40 seconds left and run along said creek 355.33 feet; thence 21 degrees 53 minutes 35 seconds left and run 183.05 feet; thence 81 degrees 27 minutes 56 seconds right and run 793.69 feet; thence 24 degrees 55 minutes 51 seconds left and run 599.29 feet; thence 19 degrees 26 minutes 28 seconds right and run 548.89 feet; thence 21 degrees 32 minutes 35 seconds right and run 78.45 feet to the North line of a proposed 60-foot road right of way; thence 91 degrees 27 minutes 05 seconds left and run along said right of way line 702.75 feet; thence 13 degrees 18 minutes 54 seconds left and continue along said right of way line 246.10 feet; thence 19 degrees 15 minutes 42 seconds right and run 245.74 feet to a fence; thence 103 degrees 05 minutes 49 seconds left and run along said fence 835.70 feet to a fence corner; thence 90 degrees 15 minutes 12 seconds left and continue along said fence 245 feet to a point; thence turn left and run in a Southerly direction to the point of beginning.

LESS AND EXCEPT the following described parcel of land: Commence at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 17, Township 20 South, Range 1 East, and run West along the North line thereof (and an existing fence) 902.79 feet to the Northeastern edge of a creek; thence 158 degrees 23 minutes 40 seconds left and run along said creek 355.33 feet; thence 21 degrees 53 minutes 35 seconds left and run 183.05 feet; thence 81 degrees 27 minutes 56 seconds right and run 793.69 feet; thence 24 degrees 55 minutes 51 seconds left and run 599.29 feet;

thence 19 degrees 26 minutes 28 seconds right and run 548.89 feet; thence 21 degrees 32 minutes 35 seconds right and run 78.45 feet to the North line of a proposed 60-foot road right of way; thence 91 degrees 27 minutes 05 seconds left and run along said right of way line 702.75 feet; thence 13 degrees 18 minutes 54 seconds left and continue along said right of way line 246.10 feet to the point of beginning; thence 19 degrees 15 minutes 42 seconds right and run 245.74 feet to a fence; thence 103 degrees 05 minutes 49 seconds left and run along said fence 835.70 feet to a fence corner; thence 90 degrees 15 minutes 12 seconds left and continue along said fence 245 feet to a point; thence turn left and run in a Southerly direction to the point of beginning.

Together with a non-exclusive 60-foot easement for ingress and egress, lying 30 feet on either side of the following described centerline: Commence at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 17, Township 20 South, Range 1 East and run North 17 degrees 42 minutes 14 seconds East for 263.84 feet; thence 10 degrees 00 minutes left run 355.39 feet to the point of beginning; thence 88 degrees 33 minutes 25 seconds right run 707.02 feet; thence 13 degrees 13 minutes 48 seconds left run 244.48 feet; thence 19 degrees 15 minutes 34 seconds right run 289.07 feet; thence 24 degrees 00 minutes 48 seconds left run 152.0 feet; thence 10 degrees 54 minutes 57 seconds right run 239.83 feet; thence 52 degrees 34 minutes 48 seconds left run 169.72 feet to the Westerly right of way of Shelby County Hwy. #55, and the point of ending of said centerline.

This sale is made for the purpose of paying the indebtedness secured by said mortgage, and the proceeds thereof will be applied as provided by the terms of said mortgage.

City Bank of Childersburg  
a banking corporation  
J. Van Wilkins  
Attorney  
P. O. Box 479  
Talladega, Alabama 35160  
205-362-1650  
March 24, 31, &  
1993

Inst # 1993-10257

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SHELBY COUNTY JUDGE OF PROBATE  
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