

12/07/1994-35964  
12:58 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 12.00

Inst # 1994-35964

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY AT LAW  
POST OFFICE BOX 822  
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA  
SHELBY COUNTY

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that, WHEREAS, on or about the 13th day of May, 1994, Douglas Roy Evans, Jr. and wife, Delane D. Evans, executed a mortgage conveying the real estate hereinafter described in Shelby County, Alabama, to Jeff D. Falkner, Jr., as Mortgagee, which said mortgage was recorded on May 16, 1994, as Instrument #1994-15849, in the Office of the Judge of Probate of Shelby County, Alabama (hereinafter referred to as "said mortgage" or words to that effect), which said mortgage and the indebtedness secured thereby is and was as of the date upon which this foreclosure proceeding was instituted, and is and was as of the date upon which this foreclosure deed was executed, the sole property of said Mortgagee; and

WHEREAS, in and by said mortgage said Mortgagee was authorized and empowered in case of default in the payment of the indebtedness thereby secured according to the terms thereof, to sell said real estate in front of the Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving twenty-one days notice of the time, place, and terms, of said sale, by publication once a week for three consecutive weeks prior to said sale in some news- paper published in Shelby County, Alabama, such sale to be at public outcry for cash, to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in the same the Mortgagee or any person conducting said sale for the Mortgagee might bid at the same and purchase said property if the highest bidder therefor; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and such default continuing, the said Mortgagee 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 November 17, 24, and December 1, 1994; and

WHEREAS, on December 7, 1994, at approximately 12:00 o'clock noon, being the day and approximate time on which the foreclosure sale was scheduled to be held under the terms of said notice between the legal hours of sale, said foreclosure was duly and properly conducted and said Mortgagee did, in strict compliance with the power of sale contained in said mortgage, offer for sale at public outcry to the highest bidder for cash in front of the Shelby County Courthouse front door in the City of Columbiana, Shelby County, Alabama, the real estate hereinafter described and against which said Mortgagee held a mortgage lien; and

WHEREAS, the undersigned, Mike T. Atchison, was the auctioneer, agent and attorney-in-fact who conducted said foreclosure sale and was the person conducting said sale for the said Jeff D. Falkner, Jr.; and

WHEREAS, the last, highest and best bid for said real estate described in said mortgage was the bid of Jeff D. Falkner, Jr., in the amount of Fifty Three Thousand, Seven Hundred Fifty-Six and 25/100 Dollars, which sum of money was offered as credit toward a portion of the indebtedness secured by said mortgage, and said real estate was thereupon sold to Jeff D. Falkner, Jr.

NOW THEREFORE, in consideration of the premises and a credit in the amount of Fifty-Three Thousand, Seven Hundred Fifty-Six and 25/100---Dollars toward a portion of the indebtedness secured by said mortgage, the said Jeff D. Falkner, Jr., acting by and through Mike T. Atchison, as auctioneer conducting said sale and as attorney-in-fact for Douglas Roy Evans, Jr. and wife, Delane D. Evans, and for Jeff D. Falkner, Jr., respectively, and by and through Mike T. Atchison, as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the said Jeff D. Falkner, Jr., the following described real estate situated in Shelby County, Alabama, together with all improvements thereon and appurtenances thereto, to-wit:

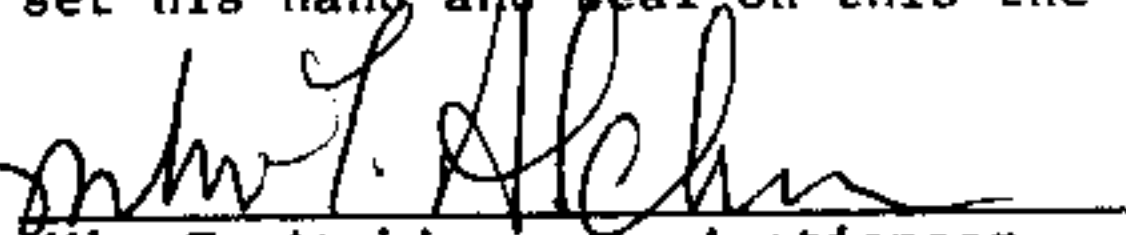
Lots 13 and 14, according to the unrecorded map of Paradise Point Marina, Lease Lots, being more particularly described as follows:  
Commence at the NE corner of the SE 1/4 of SW 1/4, Section 36, Township 21 South, Range 1 East, Shelby County, Alabama, and run South along the East line of said 1/4-1/4 Section a distance of 375 feet to a point; thence turn right and run West a distance of 175 feet to the point of beginning;

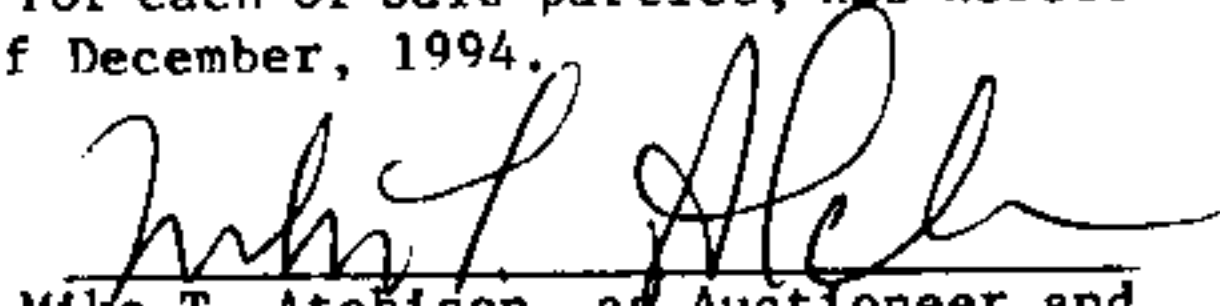
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thence continue West a distance of 153 feet to the SW corner of said Lot 14; thence run in a Northeasterly direction a distance of 224 feet to the NW corner of said Lot 13; thence run East along the North line of said Lot 13 a distance of 125 feet to the NE corner of same, being a point on the West line of Lot 10 of said unrecorded map; thence run South along the West line of Lots 10, 9, and 8, a distance of 220 feet, more or less, to the point of beginning.

TO HAVE AND TO HOLD the above described real estate unto the said Jeff D. Falkner, Jr., his successors, heirs and assigns forever, together with the hereditaments and appurtenances thereto belonging; subject, however, to the statutory right-of-redemption from said foreclosure sale on the part of those entitled to redeem, as provided by the laws of Alabama, and to all easements, restrictions and rights-of-way of record.

IN WITNESS WHEREOF, the said Douglas Roy Evans, Jr. and wife, Delane D. Evans and Jeff D. Falkner, Jr. have caused this instrument to be executed by and through Mike T. Atchison, acting as auctioneer conducting said sale and as attorney-in-fact for all parties separately, and Mike T. Atchison, as auctioneer conducting said sale and as attorney-in-fact for each of said parties, has hereto set his hand and seal on this the 7th day of December, 1994.

  
Mike T. Atchison, as Auctioneer  
Attorney-in-fact for Douglas Roy  
Evans and Delane D. Evans

  
Mike T. Atchison, as Auctioneer and  
and Attorney-in-fact for Jeff D.  
Falkner, Jr.

  
Mike T. Atchison, as Auctioneer  
conducting said sale

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mike T. Atchison, whose name as Auctioneer is signed to the foregoing conveyance, and who signed the names of Douglas Roy Evans and Delane D. Evans to the above conveyance, and also signed the name of Jeff D. Falkner, Jr. 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 executed the same voluntarily on the day the same bears date, as the action of himself as Auctioneer and the person conducting said foreclosure sale for the said Jeff D. Falkner, Jr., Mortgagee, with full authority, for and as the act of said Mortgagee, and for and as the act of Jeff D. Falkner, Jr., in the mortgage referred to in the foregoing deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, on this the 7th day of December, 1994.

  
Notary Public

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