

STATE OF ALABAMA )  
COUNTY OF SHELBY )

**MORTGAGE FORECLOSURE DEED**

**KNOW ALL MEN BY THESE PRESENTS**, That, whereas, heretofore on, to-wit: On December 30, 1993, McCay Home Builders, Inc., a corporation, executed a certain mortgage on the property hereinafter described to SouthTrust Mortgage Corporation which said mortgage is recorded in Instrument No. 1994-000343 and assigned of record to Hearthstone Builders & Developers, Inc., a corporation, by instrument recorded in Instrument No. 1994-36721 in the Office of the Probate Judge of Shelby County, Alabama; and

**WHEREAS**, in and by said mortgage the 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 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 published in said City by publication once a week for three (3) consecutive weeks prior to said sale 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 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 therefor; and

**WHEREAS**, default was made in the payment of the indebtedness secured by said mortgage, and the said SouthTrust Mortgage Corporation did declare all of the indebtedness secured by said mortgage due and payable and said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in The Shelby County Reporter, a newspaper published in Shelby County, Alabama, in its issues of November 16, November 23, November 30, December 14, and December 21, 1994; and

**WHEREAS**, on December 27, 1994, the day on which the foreclosure sale was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure was duly and properly conducted, and Hearthstone Builders & Developers, Inc. did offer for sale and sell at public outcry in front of the Courthouse in Shelby County, Alabama, the property hereinafter described; and

**WHEREAS**, Jay H. Clark was the Auctioneer who conducted said sale for the said Hearthstone Builders & Developers, Inc.; and

**WHEREAS**, the highest and best bid for the property described in the aforementioned mortgage was the bid of Hearthstone Builders & Developers, Inc. in the amount of Two Hundred Eighty-Four Thousand Nine Hundred Thirty-Six and 79/100 (\$284,936.79) Dollars, which sum of money Hearthstone Builders & Developers, Inc. offered to credit on the indebtedness secured by said mortgage and said property was thereupon sold to Hearthstone Builders & Developers, Inc.; and

**NOW, THEREFORE**, in consideration of the premises and of a credit in the amount of Two Hundred Eighty-Four Thousand Nine Hundred Thirty-Six and 79/100 (\$284,936.79) Dollars, the indebtedness secured by said mortgage, Hearthstone Builders & Developers, Inc. by and through Jay H. Clark, as Auctioneer conducting said sale and as attorney in fact for Hearthstone Builders & Developers, Inc. and the said Jay H. Clark, as the Auctioneer conducting said sale, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Hearthstone Builders & Developers, Inc. the following described property situated in Shelby County, Alabama to-wit:

Lot 35, according to the Survey of Greystone, 4th Sector, as Recorded in Map Book 16, Page 89, A, B & C in the Probate Office of Shelby County, Alabama.

01/03/1995-00019  
09:31 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 13.00

Inst # 1995-00019

TO HAVE AND TO HOLD the above described property unto Hearthstone Builders & Developers, Inc., 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 Hearthstone Builders & Developers, Inc. has caused this instrument to be executed by and through Jay H. Clark, as Auctioneer conducting said sale, and as attorney in fact, and Jay H. Clark, as Auctioneer conducting said sale has hereto set his hand and seal on this the 27th day of December, 1994.

HEARTHSTONE BUILDERS & DEVELOPERS, INC.  
A Corporation

By: Jay H. Clark

Jay H. Clark as  
Auctioneer and Attorney in Fact

Jay H. Clark  
Jay H. Clark as  
Auctioneer conducting said sale

STATE OF ALABAMA                   )  
COUNTY OF SHELBY               )

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Jay H. Clark whose name as Auctioneer and Attorney in Fact for Hearthstone Builders & Developers, Inc. 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 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 27<sup>th</sup> day of December, 1994.

Brenda H. Adams

Notary Public

My commission expires: 9/6/95

STATE OF ALABAMA                   )  
COUNTY OF SHELBY               )

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Jay H. Clark, whose name as Auctioneer 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, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 27<sup>th</sup> day of December, 1994.

Brenda H. Adams

Notary Public

My commission expires: 9/6/95

This instrument prepared by:

William A. Ratliff, Esq.  
WALLACE, JORDAN, RATLIFF, BYERS & BRANDT  
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Inst # 1995-00019