

STATE OF ALABAMA

FORECLOSURE DEED

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS, that whereas, heretofore, on to-wit: May 6, 1994, Wayne Barber and wife Joyce Barber executed a certain mortgage on property hereinafter described to First Bank of Childersburg, which said mortgage is recorded at Instrument Number 1994-15388 in the Office of the Judge of Probate of Shelby County, Alabama; and that Wayne Barber is the same person as Samuel Wayne Barber; 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 and County by publication once a week for three 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 the 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 First Bank of Childersburg 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 the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama in its issues of November 22, November 29 and December 6, 1995; and

Whereas, on December 18, 1995, 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 did offer for sale and sell at public outcry in front of the courthouse door in Shelby County, Alabama, the property hereinafter described; and

Whereas, Mark A. Rasco was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said

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mortgagee and whereas the said mortgagee was the highest bidder and best bidder, in the amount of \$27,500.00 on the indebtedness secured by said mortgage plus \$1,275.00 in costs, expenses and attorney's fees, the said mortgagee by and through Mark A. Rasco, as auctioneer conducting said sale, and as Attorney-In-Fact for First Bank of Childersburg and by and through Mark A. Rasco, as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto First Bank of Childersburg the following described property situated in Shelby County, Alabama.

A tract or parcel of land situated in Shelby County, Alabama, and lying and being in the Southeast Quarter of Section 9, Township 19 South, Range 2 East, and being more particularly described as follows, to-wit: Commence at the Northwest corner of the Southwest Quarter of the Southeast Quarter of the above mentioned Section 9 and proceed North 89 degrees 00 minutes East along the West boundary of said Quarter Section for a distance of 321.3 feet to a point on a fence, thence North 01 degrees 00 minutes West along the above mentioned fence for a distance of 1465 feet, more or less, to the point of beginning of the property herein described; thence continue North 01 degrees 00 minutes West for a distance of 80 feet to a point; thence North 08 degrees 20 minutes East for a distance of 610.6 feet to a point in the center of County Road No. 81; thence South 76 degrees 48 minutes West along the center of said road for a distance of 156.5 feet; thence South 78 degrees 46 minutes West along the center of said road for a distance of 178.5 feet; thence South 08 degrees 20 minutes West for a distance of 625 feet to a point; thence North 89 degrees 00 minutes East for a distance of 331 feet to the point of beginning, containing 5.0 acres. Situated in Shelby County, Alabama.

TO HAVE AND TO HOLD, the above described property unto First Bank of Childersburg its successors 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, First Bank of Childersburg has caused this instrument to be executed by and through Mark A. Rasco as auctioneer conducting said sale and as Attorney-In-Fact for all parties separately, and Mark A. Rasco, as auctioneer conducting said sale and as Attorney-In-Fact and Mark A. Rasco as auctioneer conducting said sale has hereunto set his hand and seal on this the 20<sup>th</sup> day of December, 1995.

  
Mark A. Rasco, As Auctioneer and  
Attorney in Fact

Mark A. Rasco  
Mark A. Rasco, As Auctioneer  
conducting said sale

STATE OF ALABAMA

TALLADEGA COUNTY

I, Linda Stuart, a Notary Public in and for said County, in said State, hereby certify that Mark A. Rasco whose name as Auctioneer and Attorney-In-Fact for First Bank of Childersburg and 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 Auctioneer and Attorney In Fact and with full authority executed the same voluntarily on the day the same bears date, as the action of himself as Auctioneer and the person conducting the same for First Bank of Childersburg for and as the act of said mortgagee.

20th IN WITNESS WHEREOF I have hereunto set my hand and seal this the  
day of December, 1995.

Linda Stuart  
Notary Public

# 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 week(s) consecutively, to-wit in issues thereof dated as follows:

*November 22, 29*

*December 6, 1995*

*Kim N. Price*

Publisher subscribed and sworn before me,  
this 7 day of December 1995.

**PATRICIA YEAGER FUHRMEISTER**

Judge of Probate

## LEGAL NOTICE MORTGAGE FORECLOSURE SALE

Whereas, default having been made in the payment of the indebtedness secured by that certain mortgage executed May 6, 1994, by Wayne Barber wife Joyce Barber to First Bank of Childersburg as mortgagee and that Wayne Barber is the same person as Samuel Wayne Barber and which mortgage is recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument No. 1994-15388 and; said default continuing, the undersigned mortgagee and owner of said mortgage has elected to declare the entire indebtedness secured by said mortgage due and payable as provided for therein; notice is hereby given in accordance with the power of sale contained in said mortgage and pursuant to law that the undersigned Mark A. Rasco will sell at public outcry and to the highest bidder for cash, in front of the Courthouse door of Shelby County, Alabama, between legal hours of sale on December 18, 1995, the following described real property lying and being in Shelby County, Alabama, to-wit: A tract or parcel of land situated in Shelby County, Alabama, and lying and being in the Southeast Quarter of Section 9, Township 19 South, Range 2 East, and being more particularly described as follows, to-wit: Commence at the Northwest corner of the Southwest Quarter of the Southeast Quarter of the above mentioned Section 9 and proceed North 89 degrees 00 minutes East along the West boundary of said Quarter Section for a distance of 321.3 feet to a point on a fence, thence North 01 degrees 00 minutes West, along the above mentioned fence for a distance of 1455 feet, more or less, to the point of beginning of the property herein described; thence continue North 01 degrees 00 minutes West for a distance of 80 feet to a point; thence North 08 degrees 20 minutes East for a distance of 810.8 feet to a point in the center of County Road No. 81; thence South 76 degrees 48 minutes West along the center of said road for a distance of 158.5 feet; thence South 78 degrees 48 minutes West along the center of said road for a distance of 178.5 feet; thence South 08 degrees 20 minutes West for a distance of 825 feet to a point; thence North 89 degrees 00 minutes East for a distance of 331 feet to the point of beginning, containing 5.0 acres. Situated in Shelby County, Alabama.

Said sale is to be made of the purpose of paying the debt on the mortgage and all costs and expenses of foreclosure on same as provided for in said mortgage and the proceeds of said sale will be applied as directed by and in said mortgage.  
This the 9th day of November, 1995.

First Bank of Childersburg,  
Mortgagee

Mark A. Rasco,  
Attorney for Mortgagee  
PO Box 275  
Talladega, AL 35160  
November 22, 29, &  
December 6, 1995 #1533

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