

STATE OF ALABAMA)
COUNTY OF SHELBY)

✓ SEND TAX NOTICE TO:

R. M. NICHOLSON
206 WOODWARD ROAD
TRUSSVILLE, AL. 35173

MORTGAGE FORECLOSURE DEED

KNOW ALL PERSONS BY THESE PRESENTS: That Huber Building and Construction Management, Inc., did, on to-wit, April 9, 1996, execute a mortgage to AmSouth Bank of Alabama which is recorded in Mortgage Record Instrument # 1996-11615, et seq., in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said AmSouth Bank of Alabama did declare all of the indebtedness secured by said mortgage due and payable and did give due and proper notice of the foreclosure of said mortgage, in accordance with the terms thereof, by publication in the Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama, in its issues of March 5, 12 & 19 and April 9 & 16, 1997; and

WHEREAS, on April 23, 1997, 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 sale was duly and properly conducted, and AmSouth Bank of Alabama did offer for sale and did sell at public outcry, in front of the courthouse door of Shelby County, Alabama, in the City of Columbiana, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of Roderick M. Nicholson, in the amount of ONE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED FORTY-ONE AND NO/100 DOLLARS (\$184,641.00), which sum the said Roderick M. Nicholson offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to Roderick M. Nicholson; and

WHEREAS, said mortgage authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at the said sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and of a credit of ONE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED FORTY-ONE AND NO/100 DOLLARS (\$184,641.00), on the indebtedness secured by said mortgage, the said Huber Building and Construction Management, Inc., acting by and through the said AmSouth Bank of Alabama by Robert W. Tapscott, Jr., as said auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said AmSouth Bank of Alabama, by Robert W. Tapscott, Jr., as said auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and Robert W. Tapscott, Jr., as said auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby grant, bargain, sell and convey unto Roderick M. Nicholson, the following described real estate situated in Shelby County, Alabama, to-wit:

Unit 28, in the Saddle Lake Farms Condominium, a Condominium, located in Shelby County, Alabama, as established by Declaration of Condominium as recorded in Instrument 1995-17533 and Articles of Incorporation of Saddle Lake Farms Association, Inc. as recorded in Instrument 1995-17530, in the office of the Judge of Probate of Shelby County, Alabama together with an undivided 1/174 interest in the common elements of Saddle Lake Farms Condominium as set out in the said Declaration of Condominium, said Unit being more particularly described in the floor plans and Architectural drawings of Saddle Lake Farms Condominium as recorded in Map Book 20, page 20 A & B, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above-described property unto Roderick M. Nicholson, forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

This property will be sold on an "AS IS," "WHERE IS" basis, and with all faults. This property will also be sold subject to any easements, encumbrances, and exceptions reflected in the mortgage and those contained in the records of the office of the Judge of Probate of the county in which the above-described property is located. This property will be sold without warranty of recourse, expressed or implied as to title, use and/or enjoyment and will be sold subject to the right of redemption of all parties entitled thereto.

IN WITNESS WHEREOF, the said AmSouth Bank of Alabama has caused this instrument to be executed by Robert W. Tapscott, Jr., as auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage, and in witness whereof the said Robert W. Tapscott, Jr. has executed this instrument in his capacity as such auctioneer on this 23rd day of April, 1997.

HUBER BUILDING AND CONSTRUCTION MANAGEMENT, INC.
Mortgagor(s)

By AMSOUTH BANK OF ALABAMA
Mortgagee or Transferee of Mortgage

By Robert W. Tapscott, Jr.
As Auctioneer and the person conducting
said sale for the Mortgagee or Transferee
of Mortgage

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COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said State and County, hereby certify that ROBERT W. TAPSCOTT, JR., whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgage, 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 the person conducting said sale for the Mortgagee or Transferee of Mortgage, and with full authority executed this instrument voluntarily on the day the same bears date.

Given under my hand and official seal this 23rd day of April, 1997.

Barbara J. Tanner
NOTARY PUBLIC
My commission expires: MAY COMMISSION EXPIRES MAY 3, 1998

THIS INSTRUMENT WAS PREPARED BY:
Robert W. Tapscott, Jr., Esq.
Maynard, Cooper & Gale, P.C.
Suite 2400 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203

Inst # 1997-12680