

STATE OF ALABAMA )  
COUNTY OF SHELBY )

**MORTGAGE FORECLOSURE DEED**

**KNOW ALL MEN BY THESE PRESENTS**, That, whereas, heretofore on, to-wit: On June 28, 1991, Donald Ray Byars, Jr. and wife, Teresa A. Byars executed a certain mortgage on the property hereinafter described to Collateral Mortgage, Ltd., an Alabama Limited Partnership, which said mortgage is recorded in Book 352, Page 304 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 County 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 Collateral Mortgage, Ltd. 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 April 16, April 23 and April 30, 1997; and

**WHEREAS**, on May 19, 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 was duly and properly conducted, and Collateral Mortgage, Ltd. did offer for sale and sell at public outcry in front of the Courthouse in Shelby County, Alabama, the property hereinafter described; and

**WHEREAS**, William A. Ratliff was the Auctioneer who conducted said sale for the said Collateral Mortgage, Ltd.; and

**WHEREAS**, the highest and best bid for the property described in the aforementioned mortgage was the bid of Collateral Mortgage, Ltd. in the amount of Thirty-Nine Thousand Seven Hundred Ninety-Five and 39/100 (\$39,795.39) Dollars which sum of money Collateral Mortgage, Ltd. offered to credit on the indebtedness secured by said mortgage and said property was thereupon sold to Collateral Mortgage, Ltd.; and

**NOW, THEREFORE**, in consideration of the premises and of a credit in the amount of Thirty-Nine Thousand Seven Hundred Ninety-Five and 39/100 (\$39,795.39) Dollars, the indebtedness secured by said mortgage, Collateral Mortgage, Ltd. and by and through William A. Ratliff as Auctioneer conducting said sale and as attorney in fact for Collateral Mortgage, Ltd. and the said William A. Ratliff, as the Auctioneer conducting said sale, does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said Collateral Mortgage, Ltd. the following described property situated in Shelby County, Alabama to-wit:

A metes and bounds resurvey of part of Lots 6 and 7, Block 16, of Joseph Squires Map of the Town of Helena (Alabama) recorded in Map Book 3, pages 121 and 121A, in the Office of the Judge of Probate of Shelby County, Alabama, more particularly described as follows: Commence and begin at the Southeast corner of Lot 7 and Block 16, of Squires Map of the Town of Helena, as recorded in Map Book 3 pages 121 and 121A, in the Office of the Judge of Probate, Shelby County, Alabama, thence run Westerly along the South Line of said Lot 7, 191.55 feet to a point; thence 97 deg. 49 min. 47 sec. right and run Northerly 80.74 feet to a point; thence 82 deg. 10 min. 13 sec. right and run

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Easterly parallel with the South line of Lot 6, Block 16, of said Subdivision 201.27 feet to a point on the West line of Second Street; thence 104 deg. 31 min. 44 sec. right and run South-Southwesterly along the West line of Second Street 82.63 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

**TO HAVE AND TO HOLD** the above described property unto Collateral Mortgage, Ltd., 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** Collateral Mortgage, Ltd. has caused this instrument to be executed by and through William A. Ratliff, as Auctioneer conducting said sale, and as attorney in fact, and William A. Ratliff, as Auctioneer conducting said sale has hereto set her hand and seal on this the 19th day of May, 1997.

**COLLATERAL MORTGAGE, LTD.**  
An Alabama Limited Partnership


By:   
William A. Ratliff as  
Auctioneer and Attorney in Fact

  
William A. Ratliff 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 William A. Ratliff whose name as Auctioneer and Attorney in Fact for Collateral Mortgage, Ltd. 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 19<sup>th</sup> day of May, 1997.

  
Notary Public  
My commission expires: 9/6/99

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 William A. Ratliff 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 19<sup>th</sup> day of May, 1997.

Brenda H. Adams  
Notary Public  
My commission expires: 9/6/99

This instrument prepared by:  
William A. Ratliff, Esq.  
WALLACE, JORDAN, RATLIFF & BRANDT, L.L.C.  
2000-A SouthBridge Parkway, Suite 525  
Birmingham, Alabama 35209  
(205) 870-0555

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