

STATE OF ALABAMA )  
COUNTY OF SHELBY )

SEND TAX NOTICE TO:  
National Bank of Commerce  
of Birmingham  
P.O. Box 10686  
Birmingham, Alabama 35202  
Attn: Mr. Franklin Bradford

**MORTGAGE FORECLOSURE DEED . . .**

**KNOW ALL PERSONS BY THESE PRESENTS:** That Fontaine, Inc., did, on to-wit, December 21, 1995, execute a mortgage to National Bank of Commerce of Birmingham which is recorded in Mortgage Record Instrument # 1996-00432, *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 National Bank of Commerce of Birmingham 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 May 7, 14 and 21, 1997; and

**WHEREAS,** on June 3, 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 National Bank of Commerce of Birmingham 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 National Bank of Commerce of Birmingham in the amount of Two Hundred Twenty-Nine Thousand Eight Hundred Ninety Five and No/100 Dollars (\$229,895.00), which sum the said National Bank of Commerce of Birmingham offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to National Bank of Commerce of Birmingham; 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 Two Hundred Twenty-Nine Thousand Eight Hundred Ninety Five and No/100 Dollars (\$229,895.00), on the indebtedness secured by said mortgage, the said Fontaine, Inc., acting by and through the said National Bank of Commerce of Birmingham by Thomas C. Clark III, as said auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said

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National Bank of Commerce of Birmingham, by Thomas C. Clark III, as said auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and Thomas C. Clark III, as said auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby grant, bargain, sell and convey unto National Bank of Commerce of Birmingham the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 3, According to the Survey of Caldwell Mill Trace,, as Recorded in Map Book 18, Page 67, in the Probate Office of Shelby County, Alabama.


**TO HAVE AND TO HOLD** the above-described property unto National Bank of Commerce of Birmingham, 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 National Bank of Commerce of Birmingham has caused this instrument to be executed by Thomas C. Clark III, as auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said Thomas C. Clark III has executed this instrument in his capacity as such auctioneer on this 3rd day of June, 1997.

**FONTAINE, INC.**  
Mortgagor

By: **National Bank of Commerce of Birmingham**  
**Mortgagee or Transferee of Mortgagee**

By   
As Auctioneer and the person conducting  
said sale for the Mortgagee or Transferee of  
Mortgagee

**NATIONAL BANK OF COMMERCE OF  
BIRMINGHAM**

Mortgagee or Transferee of Mortgagee

By

74065  
As Auctioneer and the person conducting said sale  
for the Mortgagee or Transferee of Mortgagee

74065  
As Auctioneer and the person conducting said sale for the  
Mortgagee or Transferee of Mortgagee

STATE OF ALABAMA  
COUNTY OF JEFFERSON

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

Given under my hand and official seal this 3rd day of June, 1997.

Georgia Williams  
NOTARY PUBLIC

My commission expires: MY COMMISSION EXPIRES SEPTEMBER 9, 1997

**THIS INSTRUMENT WAS PREPARED BY:**

✓ Thomas C. Clark III, Esq.  
✓ Maynard, Cooper & Gale, P.C.  
Suite 2400 AmSouth/Harbert Plaza  
1901 Sixth Avenue North  
Birmingham, Alabama 35203

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