

*This instrument was prepared by:*

James W. Fuhrmeister

GRIFFIN, ALLISON, MAY, ALVIS & FUHRMEISTER

P.O. Box 380275

Birmingham, Alabama 35238

Telephone: 991-6367

Inst # 1997-33012

## FORECLOSURE DEED

STATE OF ALABAMA )

COUNTY OF SHELBY )

WHEREAS, **DAVID RAY BRASHER and MARY C. BRASHER, as husband and wife**, did on August 27, 1996, execute a mortgage conveyance which is recorded in the Office of the Judge of Probate of Shelby County, Alabama, as Instrument # 1996-30073, which mortgage did convey the lands hereinafter described to **FIRST BANK OF CHILDERSBURG, a banking corporation**; and

WHEREAS, in and by the terms of said mortgage, the mortgagee, First Bank of Childersburg, a banking corporation, and assigns, or any person conducting said sale for mortgagee, were authorized and empowered to sell the hereinafter described property upon default in the payment of the principal sum secured by said mortgage and the interest thereon, at auction for cash, at the Shelby County Courthouse, in the City of Columbiana, Alabama, after having given notice thereof for three weeks by publication once a week in any newspaper then published in the said City, and execute the proper conveyance to the purchaser and further, that the auctioneer or person making the sale was empowered and directed to make and execute a deed to the purchaser in the names of the mortgagors; and

WHEREAS, there was default in the payment of the principal sum secured by said mortgage and the interest thereon and said default continuing, and after said default notice was given as required in said mortgage of the time, place and term of said sale, together with a description of said property to be sold and the purpose of such sale by publication once a week for three successive weeks, viz: August 20, 27, and September 3, 1997, and notice of postponement of the sale published October 1, 1997 in the Shelby County Reporter, a newspaper, then and now published in the City of Columbiana, Alabama and August 15, 22, and 29, 1997 and notice of the postponement of the sale published October 3, 1997 in The Daily Home, Talladega, Alabama; and

WHEREAS, pursuant to said notice, said property was offered for sale during the legal hours of sale by James W. Fuhrmeister, as attorney-in-fact for the mortgagors and making the sale, at the Shelby County Courthouse, in the City of Columbiana, Alabama, on October 9, 1997 and at said sale **FIRST BANK OF CHILDERSBURG, a banking corporation**, was the highest bidder for the said property at and for the sum of **Fourteen Thousand Four Hundred Forty-Six and 04/100 Dollars (\$14,446.04)**, and said property was sold to the said **FIRST BANK OF CHILDERSBURG, a banking corporation**, at and for the sum aforesaid.

NOW THEREFORE, the premises considered, the said mortgagee, First Bank of Childersburg, a banking corporation, by and through it's attorney-in-fact, James W. Fuhrmeister, duly authorized as aforesaid and James W. Fuhrmeister as the auctioneer and person making the sale, by virtue of and in execution of the powers contained in said mortgage conveyance as aforesaid, for and in consideration of the sum of **Fourteen Thousand Four Hundred Forty-Six and 04/100 Dollars (\$14,446.04)**, to me in hand paid by the said **FIRST BANK OF CHILDERSBURG, a banking corporation**, receipt of which is hereby acknowledged, we so GRANT, BARGAIN, SELL and CONVEY unto the said **FIRST BANK OF CHILDERSBURG, a banking corporation**, the following described real estate lying and being situated in the county of Shelby, State of Alabama, to-wit:

See Exhibit "A" attached hereto for legal description.

**Subject to statutory rights of redemption; 1997 and subsequent years taxes and special assessments; and other defects, liens, etc. of record.**

TO HAVE AND TO HOLD unto the said **FIRST BANK OF CHILDERSBURG, a banking corporation,** and assigns, forever.

IN WITNESS WHEREOF, the mortgagee, First Bank of Childersburg, a banking corporation, by and through it's attorney-in-fact, James W. Fuhrmeister and the said James W. Fuhrmeister as auctioneer and person making the sale, have hereunto set our hands and seals this 9<sup>th</sup> day of October, 1997.

**DAVID RAY BRASHER, Mortgagor**

BY:   
Attorney-in-fact

**MARY C. BRASHER, Mortgagor**

BY:   
Attorney-in-fact

**FIRST BANK OF CHILDERSBURG, a banking corporation, Mortgagee**

BY: 

**AUCTIONEER AND PERSON MAKING THE SAID SALE**

  
As the Auctioneer and person making said sale

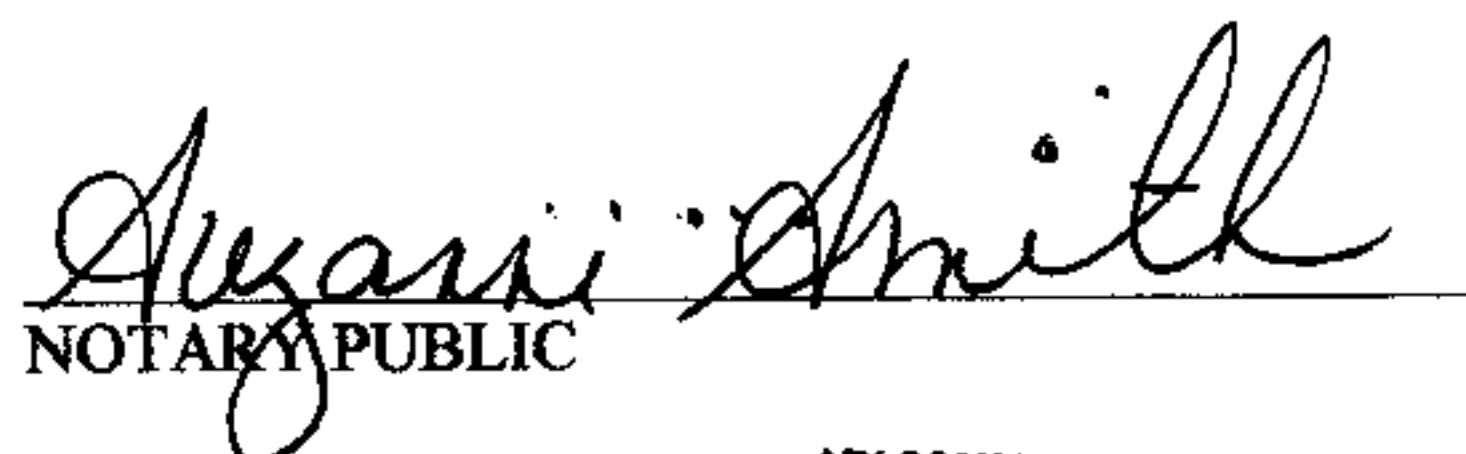
STATE OF ALABAMA )  
COUNTY OF SHELBY )

**GENERAL ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James W. Fuhrmeister, whose name as attorney-in-fact for David Ray Brasher and Mary C. Brasher, whose name as attorney-in-fact

and agent for First Bank of Childersburg, a banking corporation, and whose name as auctioneer and person making the said sale, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of this conveyance, that he, in his capacity as such attorney-in-fact and agent, and as such auctioneer, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 9<sup>th</sup> day of October, 1997.

  
NOTARY PUBLIC

My Commission Expires: MY COMMISSION EXPIRES AUGUST 19, 2000

Commence at the southwest corner of the SE1/4 of the SW1/4 of Section 6, Township 20 south, Range 1 west, Shelby County, Alabama and run thence easterly along the south line of said quarter-quarter section a distance of 659.98' to a point; Thence turn 89 14'50" left and run northerly a distance of 263.85' to a steel pin corner and the point of beginning of the property being described; Thence continue along last described course a distance of 583.12' to a steel pin corner; Thence turn 98 29'40" left and run westerly a distance of 405.22' to a steel pin corner; Thence turn 88 53'26" left and run southerly a distance of 154.59' to a steel pin corner in the an existing twenty foot wide access easement; Thence turn 52 27'33" left and run southeasterly along said easement a distance of 206.57' to a steel pin corner; Thence turn 56 46'38" right and run south-southeasterly a distance of 77.23' to a steel pin corner; Thence turn 43 16'43" left and run southeasterly a distance of 278.89' to the point of beginning, containing 3.13 acres and subject to any and all agreements, easements, rights of way, restrictions, conditions and/ or limitations of probated record and/ or applicable law.

A 20.' wide easement for access is required for the just described property along an existing 10.' wide gravel driveway, the centerline of which is described as follows:

Commence at the southwest corner of the SE1/4 of the SW1/4 of Section 6, Township 20 south, Range 1 west, Shelby County, Alabama and run thence northerly along the west line of said quarter-quarter a distance of 29.23' to a point; Thence turn 56 13'01" right and run northeasterly a distance of 25.10' to a point in the centerline of a graveled public road known as "Pickle Road, and the point of beginning, on the centerline, of the easement being described; Thence continue along last described course a distance of 40.02' to a point; Thence turn 19 42'31" left and continue along centerline of easement 103.54' to a point; Thence turn 11 19'56" left and continue along said centerline of easement 105.56' to a point; Thence turn 25 09'54" right and continue along said centerline 188.27' to a point; Thence turn 5 23'24" right and continue along centerline of said easement 58.25' to a point; Thence turn 3 31'18" right and continue along centerline of easement 21.32' to a point; Thence turn 10 02'41" right and continue along centerline of easement 43.86' to a point; Thence turn 33 09'48" left and continue along centerline of said easement 66.72' to a point; Thence turn 50 21'44" left and continue along centerline of said easement 77.62' to the intersection of easement centerline with the southwest property line of subject 3.13 acre parcel and the end of required easement.

Inst # 1997-33012

10/09/1997-33012  
01:46 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 17.00

EXHIBIT "A"

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