

STATE OF ALABAMA  
COUNTY OF SHELBY

**MORTGAGE FORECLOSURE DEED**

KNOW ALL MEN BY THESE PRESENTS, That, whereas, on May 29, 1986, James H. Haggard executed a certain mortgage on the property hereinafter described to William D. Rogers, said mortgage being recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Real Book 075, page 586; 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 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 Dianne B. Rogers, executrix of the estate of William D. Rogers, deceased, 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 June 24, July 1, and July 8, 1998; and

WHEREAS, on July 17, 1998, 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 and properly conducted, and H. L. Conwill was the Auctioneer who conducted said sale for Dianne B. Rogers, executrix of the estate of William D. Rogers, deceased; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of the estate of Dianne B. Rogers, executrix of the estate of William D. Rogers, deceased, for and on behalf of said estate, in the amount of Four Hundred Twenty-five Thousand and no/100 Dollars (\$425,000.00) which sum of money Dianne B. Rogers, executrix of the estate of William D. Rogers, deceased, offered to credit on the indebtedness secured by said mortgage and said property was thereupon sold to Dianne B. Rogers, as executrix of the estate of William D. Rogers, deceased, for and on behalf of said estate;

NOW, THEREFORE, in consideration of the premises and of a credit in the amount of \$425,000.00, on the indebtedness secured by said mortgage, the said Dianne B. Rogers, executrix of the estate of William D. Rogers, deceased, by and through H. L. Conwill, as Auctioneer conducting said sale and as Attorney in fact for Dianne B. Rogers, executrix of the estate of William B. Rogers, deceased, and the said H. L. Conwill, as the Auctioneer conducting said sale, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Dianne B. Rogers, as executrix of the estate of William D. Rogers, deceased, for and on behalf of said estate, the following described property situated in Shelby County, Alabama, to-wit:

**PARCEL ONE:**

A tract of land lying and being situated in Section 35, Township 21 South, Range 3 West, Shelby County, Alabama, described as follows: From the Southwest corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 35 (an iron rod in a stump), run a magnetic bearing of S-84 deg. -46 min. E. for 502.7 feet to the point of beginning of the parcel of land hereinafter described; from

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said point thus established, continue to run said course for 837.2 feet to an iron pin at the intersection of a fence; thence deflect left an angle of 97 degrees and 55 minutes and run northerly and along said fence for 2636.4 feet to a cross tie fence corner post; thence deflect left an angle of 84 deg. and 44 min. and run Westerly along a fence for 832.7 feet; thence deflect left an angle of 95 deg. and 16 min. and run southerly for 2597.8 feet, and back to the point of beginning, and containing fifty (50) acres, more or less.

#### PARCEL TWO:

Also, an undivided 1/100 interest in and to the following tract of land, to-wit: From the Northwest corner of Section 2, Township 22 South, Range 3 West, Shelby County, Alabama, as point of beginning, run easterly along the north line of Section 2 for 226.4 feet; thence deflect right 14 deg. -52 min. and run for 826.4 feet; thence deflect left 14 deg. - 52 min. and run for 1650 feet to a point on the West right of way line of Ala. Hwy. No. 119; thence run southerly for 60 feet along said highway right of way; thence run westerly and parallel to the North line of said road for 1708 feet; thence deflect right 14 deg. -52 min. and run for 1052.2 feet, and back to point of beginning containing 3.6 acres, more or less. Also together with an easement for ingress and egress to purchaser, his heirs, successors and assigns forever over and across said parcel of land described in this paragraph.

#### PARCEL THREE

Also, an undivided 1/100 interest in and to the following tract of land, to-wit: Begin at the SW corner of parcel #1 first described above and run Easterly along the Southerly boundary of Parcel #1 a distance of 60 ft. to a point; thence turn to the right and run Southerly parallel with the Western boundary of said Parcel to a point on the Northern boundary line of the easement described in Parcel 2 above; thence turn to the right and run Northwesterly along the Northern boundary of said easement to a point located on the Northern boundary of said easement where the same will be intersected by a Southerly continuation of the Western boundary of said Parcel No. One; thence to the right and run to the point of beginning. Together with an easement for ingress and egress to purchaser, his heirs, successors and assigns forever over and across said parcel of land described in this paragraph.

TO HAVE AND TO HOLD the above described property unto Dianne B. Rogers, as executrix of the estate of William D. Rogers, deceased, for and on behalf of said estate, and his, her, its or their 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, Dianne B. Rogers, executrix of the estate of William D. Rogers, deceased, has caused this instrument to be executed by and through H. L. Conwill as Auctioneer conducting said sale, and as Attorney in Fact, and H. L. Conwill as Auctioneer conducting said sale, has hereto set his hand and seal on this the 17th day of July, 1998.

Dianne P. Rogers, executrix of the estate of William D. Rogers, deceased, Mortgagee(s)

By: \_\_\_\_\_

H. L. Conwill

as Attorney in Fact and Auctioneer




By: H. L. Conwill  
H. L. Conwill  
as Auctioneer conducting said sale

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that H. L. Conwill, whose name as Auctioneer and Attorney in Fact for Dianne P. Rogers, executrix of the estate of William D. Rogers, deceased, 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 the 17th day of July, 1998.

William R. Justice  
Notary Public



My commission expires: 9/12/99

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that H. L. Conwill, 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 said conveyance, he, in his capacity as Auctioneer, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal the 17th day of July, 1998.

William R. Justice  
Notary Public

My commission expires: 9/12/99

Document prepared by:  
William R. Justice  
P.O. Box 1144  
Columbiana, AL 35051

Send tax notice to:  
c/o Claiborne P. Seier  
2120 16<sup>th</sup> Avenue South, Suite 100  
Birmingham, AL 35205

F.N.B.S.C.

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