

## JUDICIAL MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA     )  
SHELBY COUNTY        )

KNOW ALL MEN BY THESE PRESENTS, That,

WHEREAS, heretofore on to-wit: March 23, 1988 James Palmer and wife Lois Palmer executed a certain mortgage to First Security Mortgage Corporation, said mortgage being recorded in Book 177, page 611 in the probate office of Shelby County, Alabama; and

WHEREAS, on March 30, 1988, the said First Security Mortgage Corporation, transferred and assigned said mortgage and the debt thereby secured to Andrew Jackson Savings and Loan Association, a corporation, as transferee, said transfer being recorded in Book 177, Page 617, in the probate office of Shelby County, Alabama; and

WHEREAS, the said Andrew Jackson Savings and Loan Association changed its name to Andrew Jackson Savings Bank, and was succeeded by merger with SunBank/Tallahassee, National Association, a national banking association, and on October 12, 1994, the said SunBank/Tallahassee, National Association, transferred and assigned said mortgage and the debt thereby secured to SunBank and Trust Company, a state banking association, as transferee, said transfer being recorded in Instrument Number 1994-31025, in the probate office of Shelby County, Alabama; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said SunBank and Trust Company, as transferee, did declare all of the indebtedness secured by the said mortgage, due and payable, and said mortgage was subject to foreclosure; and

WHEREAS, SunBank and Trust Company instituted judicial foreclosure proceedings against James and Lois Palmer in the Circuit Court of Shelby County, Alabama, styled as SunBank and Trust Company v. James Palmer, Lois Palmer, The United States of America, AmSouth Bank, N.A., John B. Rudolph, Jr., civil case number CV 95-351, and during the course of the proceedings, SunBank and Trust Company changed its name to SunTrust Bank, Nature Coast; and

WHEREAS, on October 11, 1996 in the said proceedings the Circuit Court of Shelby County, Alabama entered its order of summary judgment in favor of SunTrust Bank, Nature Coast finding that James and Lois Palmer were in default and had been in default since September of 1993 on the debt in the said mortgage, that title to the hereinafter described property was assigned through an unbroken chain to SunTrust Bank, Nature Coast, that SunTrust Bank, Nature Coast holds legal title to the hereinafter described real property, that SunTrust Bank, Nature Coast satisfied all the prerequisites to foreclosure under the mortgage and otherwise, that all amounts owing under the mortgage debt were accelerated, that SunTrust Bank, Nature Coast was entitled to judicially foreclose the hereinafter described property to satisfy the mortgage indebtedness, interest, fees, attorneys fees, costs and expenses; and

WHEREAS, on September 9, 1998 in the said proceedings, the Circuit Court of Shelby

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County, Alabama entered final judgment in favor of SunTrust Bank, Nature Coast ordering that the judicial foreclosure sale of the hereinafter described property to take place on October 14, 1998 at 12:00 p.m. at the main entrance to the Shelby County Courthouse by public outcry to the highest bidder, that notice of the time, place and terms of the foreclosure sale be published for four consecutive weeks beginning on September 16, 1998 in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, that James S. Witcher, III be appointed to act as Court appointed Auctioneer to sell the hereinafter described property, that SunTrust Bank, Nature Coast is authorized to bid the mortgage debt to acquire the property which debt was determined by the Court to be \$254,747.33; and

WHEREAS, notice of the judicial foreclosure sale was provided to James and Lois Palmer by the Shelby County Circuit Court in the said proceedings and by publication in the Shelby County Reporter in its issues on September 16, 1998, September 23, 1998, September 30, 1998 and October 7, 1998; and

WHEREAS, on October 14, 1998, the day on which the foreclosure sale was due to be held under the terms of the said Court order and under the terms of the notice published in the Shelby County Reporter, said foreclosure was duly and properly conducted, and the said SunTrust Bank, Nature Coast, as transferee, did offer for sale and sell at public outcry, in front of the Courthouse door, to the main entrance of the Shelby County Courthouse, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the aforementioned mortgage was the bid of said SunTrust Bank, Nature Coast, as transferee, in the amount of Two Hundred Fifty-Four Thousand Seven Hundred Forty-Seven and 33/100s dollars (\$254,747.33) which sum was offered pursuant to Court order to credit the indebtedness secured by the said mortgage, and said property was thereupon sold to the said SunTrust Bank, Nature Coast; and

WHEREAS, James S. Witcher, III conducted said sale pursuant to Court order and on behalf of SunTrust Bank, Nature Coast in the hereinabove described proceedings; and

WHEREAS, the said mortgage expressly authorizes the person conducting said sale to execute to the purchaser at said sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and the credit of Two Hundred Fifty-Four Thousand Seven Hundred Forty-Seven and 33/100s dollars (\$254,747.33), James Palmer and wife Lois Palmer, Mortgagors, by and through the said, SunTrust Bank, Nature Coast, as transferee, do grant, bargain, sell and convey unto the said SunTrust Bank, Nature Coast, as transferee, the following described real property situated in Shelby County, Alabama to-wit:

Lot 59, according to the survey of Meadow Brook, 17th sector, as recorded in Map, Book 9, page 158 A & B, in the Probate Office of Shelby County, Alabama

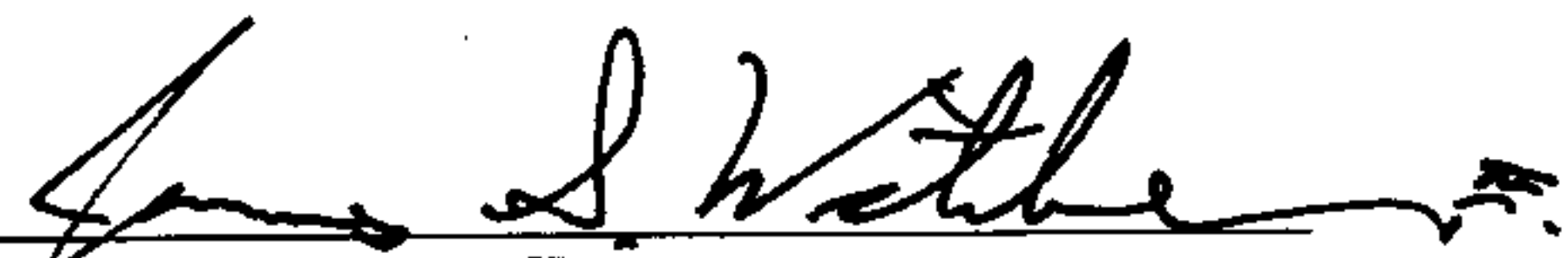
TO HAVE AND TO HOLD, the hereinabove described property unto the said SunTrust

Bank, Nature Coast, its successors and assigns forever, together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property; 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, the said James Palmer and wife Lois Palmer, Mortgagors, by the said SunTrust Bank, Nature Coast, as transferee, by James S. Witcher, III, as auctioneer conducting the said sale pursuant to Court order caused these presents to be executed on this the 20th day of October, 1998.

James Palmer and wife Lois Palmer  
MORTGAGORS

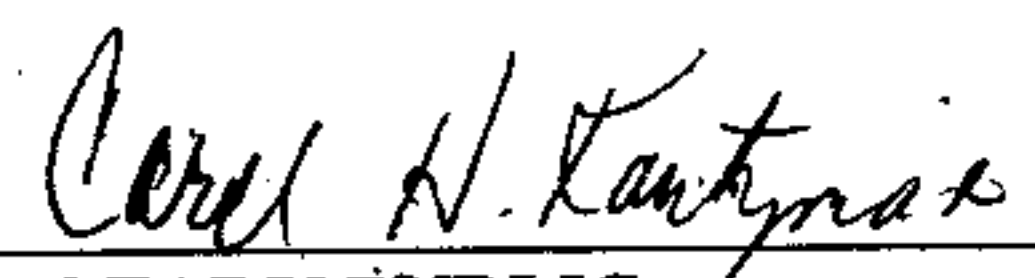
BY: SUNTRUST BANK, NATURE COAST  
AS TRANSFEREE

BY:   
JAMES S. WITCHER, III,  
COURT APPOINTED AUCTIONEER

STATE OF ALABAMA     )  
SHELBY COUNTY        )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that James S. Witcher, III whose name as Court appointed auctioneer for the said SunTrust Bank, Nature Coast, is signed to the foregoing conveyance and who is known to me, acknowledge before me on this day, that being informed of the contents of this 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 20th day of October, 1998.

  
NOTARY PUBLIC  
My Commission Expires: 8/31/99

THIS INSTRUMENT PREPARED BY:  
JAMES S. WITCHER, III  
GLADDEN & SINOR, P.C.  
825 Financial Center  
505 North 20th Street  
Birmingham, AL 35203

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