

THIS INSTRUMENT WAS PREPARED BY:

FOSTER D. KEY, ATTORNEY AT LAW
P.O. BOX 360345
BIRMINGHAM, ALABAMA 35236-0345

Inst # 2000-06439

03/01/2000-06439
11:16 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 HNS 12.00

STATE OF ALABAMA)
SHELBY COUNTY)

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PREMISES, that whereas, heretofore, on, to-wit: on June 9, 1995, DCMB Holding Company, L.L.C. executed a certain mortgage on property hereinafter described to Johnny W. Davis and wife, Veronica Diane Davis, which mortgage is recorded in Instrument 1995/15460, in the office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, in and by said mortgage, the mortgagee was authorized and empowered in the 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 publishing in said city by publication once a week for three consecutive weeks prior to said sale at public outcry for cash, to the highest bidder,

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and, did declare all of the indebtedness secured by 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 of general circulation published in Shelby County, Alabama, in its issues of February 9th, 16th, and 23rd, 2000; and

WHEREAS, on the 1st day of March, 2000, 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 conducted and the did offer for sale and sell at public outcry in front of the Courthouse door in Columbiana, Alabama, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Foster D. Key was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for said Johnny W. Davis and wife, Veronica Diane Davis and whereas said Johnny W. Davis and wife, Veronica Diane Davis were the highest bidder and best bidder, in the amount of One million two hundred sixty four thousand three hundred thirty five dollars and 52/100 (\$1,264,335.52) on the indebtedness secured by said mortgage, said by and through Foster D. Key as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the following described property situated in Shelby County, Alabama, to-wit:

Tract A: A parcel of land in the SE 1/4 of the SE 1/4 of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, described as follows: Commence at the southeast corner of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama and run thence South 89 deg. 11 min. 06 sec. West along the south line of said Section 31 a distance of 198.90 feet to a steel pin corner and the point of beginning of the parcel being described; thence continue along last described course a distance of 601.11 feet to a steel pin corner; thence run North 00 deg. 04 min. 34 sec. West a distance of 399.93 feet to a steel pin corner; thence run North 89 deg. 04 min. 10 sec. East a distance of 601.66 feet to a steel pin corner; thence run South 00 deg. 00 min. 00 sec. East a distance of 401.15 feet to the point of beginning, containing 5.52 acres.

Tract B: A non-exclusive easement for ingress and egress, adjacent to and contiguous with the northwest corner of Parcel 1 described as follows: Commence at the southeast corner of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama and run thence South 89 deg. 11 min. 06 sec. West along the south line of said Section 31 a distance of 800.01 feet to a point; thence run North 00 deg. 04 min. 34 sec. West a distance of 654.43 feet to the point of beginning of the easement being described, thence run North 00 deg. 04 min. 31 sec. West a distance of 145.57 feet to a point, thence run North 89 deg. 38 min. 57 sec. East a distance of 50.0 feet to a point; thence run South 00 deg. 04 min. 24 sec. East a distance of 145.07 feet to a point; thence run South 89 deg. 04 min. 12 sec. West a distance of 50.0 feet to the point of beginning and the end of easement.

Tract C: A non-exclusive easement for the purpose of ingress and egress, described as follows: Commence at the Southeast corner of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama and run thence Westerly along the South line of said Section 31 a distance of 800.0 feet to a

point, thence turn an angle of 90 deg. 37 min. 00 sec. to the right and run Northerly a distance of 800.00 feet to a point, thence turn an angle of 89 deg. 23 min. to the right and run Easterly a distance of 21.98 feet to the centerline point of beginning of the easement being described, thence turn an angle of 89 deg. 23 min. to the left and run a distance of 102.91 feet to the beginning (on centerline) of a paved private driveway, thence continue along last described course a distance of 108.00 feet to the P.C. (point of curvature) of a curve to the right having a central angle of 90 deg. 00 min. and a radius of 130.00 feet, thence continue along arc of said driveway curve on centerline of same an arc distance of 204.20 feet to the P.R.C. (Point on reverse curve) on a driveway curve to the left having a central angle of 90 deg. 00 min. and a radius of 45.00 feet, thence continue along arc of said driveway curve an arc distance of 70.69 feet to the centerline end of easement on the South right of way line of Highway Number 280. The width of just described easement is undetermined however the width of existing driveway is 26.00 feet back of curb to back of curb. As described in that Grant of Easement executed by South Central Bell Telephone Company and filed in the Shelby County Probate Court in Book 015 at Page 709. All being situated in Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto its heirs and assigns forever, subject however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama.

IN WITNESS WHEREOF, has caused this instrument to be executed by and through Foster D. Key as auctioneer conducting the said sale and as Attorney-in-Fact, and Foster D. Key as auctioneer conducting said sale has hereto set his hand and seal on this the 1st day of March, 2000.

Johnny W. Davis and Veronica Diane Davis


By: 
AUCTIONEER AND ATTORNEY IN FACT

By: 
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 Foster D Key, whose name as auctioneer and Attorney In Fact for and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 1st day of March, 2000


Notary Public

My Commission Expires: 4/27/01

Inst • 2000-06439

2

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