

FORECLOSURE DEED

THE STATE OF ALABAMA

SHELBY COUNTY

Know All Men by These Presents, that whereas, heretofore, on or about April 16, 1997, Oak Mountain Energy, L.L.C. executed a certain mortgage on property hereinafter described to Mellon Bank, N.A., as Agent, ("Mortgagee") which said mortgage is recorded as Instrument Number 1997-12155 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 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 published in said City and County by publication once a week for three 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, any person conducting said sale for the Mortgagee was authorized to execute title to the purchaser at said sale; and

Whereas, default was made in the payment of the indebtedness secured by said mortgage, and the said Mellon Bank, N.A., as Agent 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

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published in Shelby County, Alabama in its issues of February 16, 2000; February 23, 2000; and March 1, 2000; and, following announced postponement of the foreclosure on March 9, 2000, in accordance with Ala. Code §6-8-69, by republication in the March 15, 2000, issue of said newspaper; and

Whereas, on March 22, 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 Mellon Bank, N.A., as Agent did offer for sale and sell at public outcry in front of the Courthouse door in Shelby County, Alabama, the property hereinafter described; and

Whereas, Donald J. Stewart was auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said Mellon Bank, N.A., as Agent and whereas The Whitt Group of West Virginia Inc., was the highest bidder and best bidder, in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00), the said Mellon Bank, N.A., as Agent by and through Donald J. Stewart, as auctioneer conducting said sale, and as Attorney-in-fact for Oak Mountain Energy, L.L.C. and by and through Donald J. Stewart, as auctioneer conducting said sale, does hereby grant, bargain, sell, and convey unto The Whitt Group of West Virginia Inc. the following described property situated in Shelby County, Alabama:

PARCEL 1

All that part of W $\frac{1}{2}$ of Section 14, lying south of Norfolk Southern Railroad Right of Way, Township 21 South, Range 4 West.

Mineral and mining rights excepted.

PARCEL II

A tract of land, MINERALS AND MINING RIGHTS EXCEPTED, situated in the East half of the North-East quarter of Section 29, Township 21 South, Range 4 West of the Huntsville Principal Meridian, Shelby County, Alabama being more particularly described as follows:

Commence at the northeast corner of Section 29, Township 21 South, Range 4 West; thence in a Westerly direction along the north boundary of said Section 180.22 feet; thence turning an angle of 50 degrees 31 minutes 33 seconds to the left in a southwesterly direction, 482.08 feet to the point of beginning of tract herein described; thence turning an angle of 93 degrees 21 minutes 45 seconds to the left in a southeasterly direction, 96.69 feet; thence turning an angle of 61 degrees 53 minutes 18 seconds to the right in a southwesterly direction, 323.04 feet; thence turning an angle of 16 degrees 19 minutes 28 seconds to the right in a southwesterly direction, 801.74 feet; thence turning an angle of 20 degrees 57 minutes 16 seconds to the right in a southwesterly direction, 303.15 feet; thence turning an angle of 55 degrees 21 minutes 07 seconds to the right in a northwesterly direction 258.54 feet; thence turning an angle of 91 degrees 40 minutes 24 seconds to the right in a northeasterly direction, 535.80 feet; thence turning an angle of 7 degrees 42 minutes 34 seconds to the right in a northeasterly direction 122.28 feet; thence turning on an angle of 10 degrees 18 minutes 36 seconds to the right in a northeasterly direction, 193.10 feet; thence turning an angle of 2 degrees 11 minutes 48 seconds to the right in a northeasterly direction, 191.47 feet; thence turning an angle of 6 degrees 59 minutes 06 seconds to the right in a

nort~~h~~heasterly direction, 490.22 feet; thence turning an angle of 86 degrees 36 minutes 15 seconds to the right in a southeasterly direction, 121.64 feet to the point of beginning.

All of such parcels are conveyed subject to the interests, rights, restrictions, easements, leases, and liens of record.

To Have and to Hold the above described property unto The Whitt Group of West Virginia Inc., its successors 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, Oak Mountain Energy, L.L.C. and Mellon Bank, N.A., as Agent, have caused this instrument to be executed by and through Donald J. Stewart, as auctioneer conducting said sale and as the Attorney-in-fact of each, and Donald J. Stewart, as auctioneer conducting said sale and as Attorney-in-fact for each of said parties, has hereto set his hand and seal on this the 24 day of March, 2000.

Oak Mountain Energy, LLC
Mellon Bank, N.A. as Agent


By: Donald J. Stewart
Donald J. Stewart
Auctioneer &
Attorney-in-Fact
Auctioneer Conducting
Said Sale

THE STATE OF ALABAMA

MOBILE COUNTY

I the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Donald J. Stewart, whose name as auctioneer is signed to the forgoing conveyance, and who signed the names of Oak Mountain Energy, L.L.C. and Mellon Bank, N.A., as Agent to the foregoing conveyance, 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 same day the same bears date, as the action of himself as auctioneer and the person conducting the sale for Mellon Bank, N.A., as Agent for and as the act of said Mellon Bank, N.A., as Agent, mortgagee, and as the action of Oak Mountain Energy, L.L.C., mortgagor, in the mortgage referred to in the foregoing Deed.

In Witness Whereof, I have hereunto set my hand and seal on this the 24th day of March, 2000.


Notary Public
My Commission Expires 9/17/03

This instrument was prepared by Donald J. Stewart, Cabaniss, Johnston, Gardner, Dumas & O'Neal, 700 Riverview Plaza, Mobile, AL 36602.

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