

FORECLOSURE DEED

THE STATE OF ALABAMA

SHELBY COUNTY

Know All Men by These Presents, that whereas, heretofore, on or about March 31, 1998, 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 1998-15285 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 Five Hundred Thousand Dollars (\$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:

Commence at the Southeast corner of Section 20, Township 21 South, Range 4 West; thence run Northwesterly 290 feet, more or less, along the North line of the South diagonal of the South half of the Southeast Quarter of the Southeast Quarter of said Section 20, Township 21 South, Range 4 West to the East right of way line of

Southern Railway Company, said point being the point of beginning; thence continue Northwesterly 1,201 feet, more or less, to the Northwest corner of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 20, Township 21 South, Range 4 West; thence run Southwesterly 932 feet, more or less, to the Southwest corner of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 20, Township 21 South, Range 4 West, said point also being on the South line of said Section 20, Township 21 South, Range 4 West, and also being on the North line of Section 29, Township 21 South, Range 4 West; thence run 1,474 feet, more or less, to the Southeast corner of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 29, Township 21 South, Range 4 West, said point also being on the South line of the North half of the Northeast Quarter of said Section 29, Township 21 South, Range 4 West; thence run Easterly 1,459 feet, more or less, along the South line of said North half of the Northeast Quarter of said Section 29, Township 21 South, Range 4 West to a point on the West line of a tract of land quitclaimed by USX Corporation to Oak Mountain Energy Corporation by deed dated August 24, 1996; thence run Northeasterly along the West line of said tract 207.29 feet, more or less; thence turn a deflection angle to the right of 7 degrees, 42 minutes, 34 seconds and run Northeasterly along the West line of said tract 122.28 feet; thence turn a deflection angle to the right of 10 degrees, 18 minutes, 36 seconds and run Northeasterly along the West line of said tract 191.87 feet; thence turn a deflection angle to the right of 2 degrees, 11 minutes, 40 seconds and run Northeasterly along the West line of said tract 490.22 feet; thence turn a deflection angle to the right of 86 degrees, 36 minutes, 16 seconds and run Southeasterly 100 feet, more or less, to the East right of way line of Southern Railway Company; thence run Northeasterly along the East right of way line of Southern Railway Company to the point of beginning.

Minerals and Mining rights excepted.

Such property is conveyed subject to 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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