

SEND TAX NOTICE TO:
Aliant Bank
1100 Corporate Parkway
Birmingham, AL 35242
(400002736)

Inst # 2000-40921

STATE OF ALABAMA
COUNTY OF SHELBY

11/28/2000-40921
03:59 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 HMB 18.00

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: 29th day of March, 1999, Steven-C. Garrett & Dona D. Garrett, Husband and Wife, executed that certain mortgage on real property hereinafter described to Aliant Bank, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 1999-13231; and

WHEREAS, in and by said mortgage, the Mortgagee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, 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 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 thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said Aliant Bank 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 November 8, 15 and 22, 2000; and

WHEREAS, on the 28th day of November, 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 Aliant Bank did offer for sale and sell at public outcry in front of the Courthouse door in Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Connie McChesney was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said Aliant Bank; and

WHEREAS, Aliant Bank was the highest bidder and best bidder in the amount of Four Hundred Forty Eight Thousand Three Hundred Eighty Eight and 00/100 Dollars (\$448,388.00) on the indebtedness secured by said mortgage, the said Aliant Bank, by and through Connie McChesney as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, does hereby grant, bargain, sell and convey unto Aliant Bank, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 409, according to the Survey of Highland Lakes, 4th Sector, Phase I, an Eddleman Community, as recorded in Map Book 19 page 79 A & B, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

Together with nonexclusive easement to use the private roadways, common areas, all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Inst. #1994-07111 and amended in Inst. No. 1996-17543 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 4th Sector, Phase I, recorded as Inst. #1995-01906 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

TO HAVE AND TO HOLD the above described property unto Aliant Bank, its successors/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, Aliant Bank, Mortgagee, has caused this instrument to be executed by and through Connie McChesney as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, and said Connie McChesney, as said auctioneer and attorney-in-fact for said Mortgagee, has hereto set her hand and seal on this the 28th day of November, 2000.

Aliant Bank

By: Connie McChesney
Connie McChesney, Auctioneer and Attorney-in-Fact

STATE OF ALABAMA
COUNTY OF SHELBY

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I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Connie McChesney, whose name as auctioneer and attorney-in-fact for Aliant Bank, Mortgagee, is signed 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, she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Mortgagee.

Given under my hand and official seal on this the 28th day of November, 2000.

Clyde W. Byrd
Notary Public
My Commission Expires: 5/21/03

This instrument prepared by:
Stephen G. Collins, Esquire
SIROTE & PERMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727

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