

This instrument was prepared by:
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File # 99-7658

Inst # 2001-00137

01/03/2001-00137
12:53 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MMB 18.00

FORECLOSURE DEED

STATE OF ALABAMA

COUNTY OF SHELBY

WHEREAS, **Convenience Restaurants, Inc.**, a corporation, did on February 22, 2000, execute a mortgage conveyance which is recorded in the Office of the Judge of Probate of Shelby County, Alabama, as Instrument #2000-05877, which mortgage did convey the lands hereinafter described to **Jim A. Johnson**; and

WHEREAS, in and by the terms of said mortgage, the mortgagee, **Jim A. Johnson**, and assigns, or any person conducting said sale for mortgagee, were authorized and empowered to sell the hereinafter described property upon default in the payment of the principal sum secured by said mortgage and the interest thereon, at auction for cash, at the Shelby County Courthouse, in the City of Columbiana, Alabama, after having given notice thereof for three weeks by publication once a week in any newspaper then published in the said City, and execute the proper conveyance to the purchaser and further, that the auctioneer or person making the sale was empowered and directed to make and execute a deed to the purchaser in the names of the mortgagors; and

WHEREAS, there was default in the payment of the principal sum secured by said mortgage and the interest thereon and said default continuing, and after said default notice was given as required in said mortgage of the time, place and term of said sale, together with a description of said property to be sold and the purpose of such sale by publication once a week for three successive weeks, viz: December 6, 13, 20, 2000 in the Shelby County Reporter, a newspaper, then and now published in the City of Columbiana, Alabama; and

WHEREAS, pursuant to said notice, said property was offered for sale during the legal hours of sale by **James W. Fuhrmeister**, as attorney-in-fact for the mortgagors and making the sale, at the Shelby County Courthouse, in the City of Columbiana, Alabama, on December 28, 2000 and at said sale **S & T'S, L. L. C.**, a limited liability company, was the highest bidders for the said property at and for the sum of **Two Hundred Thirty-Six Thousand Six Hundred Eighty-Four and 23/100 Dollars (\$236,684.23)**, and said property was sold to the said **S & T'S, L. L. C.**, a limited liability company, at and for the sum aforesaid.

NOW THEREFORE, the premises considered, the said mortgagee, **Jim A. Johnson**, by and through it's attorney-in-fact, **James W. Fuhrmeister**, duly authorized as aforesaid and **James W. Fuhrmeister** as the auctioneer and person making the sale, by virtue of and in execution of the powers contained in said mortgage conveyance as aforesaid, for and in consideration of the sum **Two Hundred Thirty-Six Thousand Six Hundred Eighty-Four and 23/100 Dollars (\$236,684.23)**, to me in hand paid by the said **S & T'S, L. L. C.**, a limited liability company, receipt of which is hereby acknowledged, we so GRANT, BARGAIN, SELL and CONVEY unto the said **S & T'S, L. L. C.**, a limited liability company, the following described real estate lying and being situated in the county of Shelby, State of Alabama, to-wit:

A part of Lots 6 and 7, according to the Theo Sparks Survey of the town of Vandiver, as recorded in Map Book 3, Page 45, in the Probate Office of Shelby County, Alabama, more particularly described as follows: Beginning at the point of intersection of the Northwestern right of way line of Shelby County Highway No. 43 and the Northerly right of way line of the Central of Georgia Railroad; thence run Northwesternly along said Northerly railroad right of way line for a distance of 107.70 feet to a point; thence turn a left interior angle of 91 degrees 59 minutes 25 seconds and run Northeasterly 94.63 feet to a point on the Southwest right of way line of Alabama Highway No. 25; thence turn a left interior angle of 89 degrees 22 minutes 41 seconds to the tangent of a curve to the left, said curve having a radius of 1,077.07 feet and a central angle of 3 degrees 07 minutes 41 seconds and run 58.80 feet along said Southwesterly right of way line and the arc of said curve to a point; thence turn a left interior angle of 120 degrees 19 minutes 05 seconds from tangent to a right of way corner transition line and run Southerly along said line 100.02 feet to a point on the Northwestern right of way line of Shelby County Highway No. 43; thence turn a left interior angle of 127 degrees 47 minutes 57 seconds and run 16.21 feet along said right of way line of Highway No. 43 to the point of beginning.

And Also

Parcel I

Commence at the point of intersection of the Northwestern right of way line of Shelby County Highway No. 43 and the Northerly right of way line of the Central of Georgia Railroad and run in a Northeasterly direction for a distance of 16.21 feet to the point of beginning; thence continue along last described course for a distance of 10.68 feet; thence turn a deflection angle to the left of 52 degrees 12 minutes 03 seconds and run in a Northerly direction for a distance of 88.60 feet to the beginning of a curve to the right, said curve having a radius of 1,077.07 feet, a central angle of 00 degrees 31 minutes 07 seconds, a chord length of 9.75 feet and an interior chord angle of 120 degrees 03 minutes 32 seconds; thence run in a Northwesternly direction along arc of said curve for a distance of 9.75 feet; thence turn an interior angle to the right from chord of said curve 59 degrees 56 minutes 28 seconds and run in a Southerly direction along transition line for a distance of 100.02 feet to a point on the Northwestern right of way line of Shelby County Highway No. 43 and the point of beginning.

And a Perpetual Easement Over:

Parcel II


Commence at the point of intersection of the Northwestern right of way line of Shelby County Highway No. 43 and the Northerly right of way line of the Central of Georgia Railroad and run in a Northeasterly direction for a distance of 26.88 feet; thence turn a deflection angle to the left of 52 degrees 12 minutes 03 seconds and run in a Northerly direction for a distance of 49.55 feet to the point of beginning; thence continue along last described course for a distance of 30.93 feet; thence turn a deflection angle to the right of 115 degrees 35 minutes 21 seconds and run in a Southeasterly direction for a distance of 50.44 feet; thence turn a deflection angle to the right of 90 degrees 06 minutes 30 seconds and run in a Southwesterly direction for a distance of 28.08 feet; thence turn a deflection angle to the right of 90 degrees 10 minutes 26 seconds and run in a Northwesternly direction for a distance of 37.03 feet to the point of beginning.

Subject to statutory rights of redemption; 2000 and subsequent years taxes and special assessments (2000 taxes are unpaid); and other defects, liens, etc. of record.

TO HAVE AND TO HOLD unto the said S & T'S, L. L. C., a limited liability company, and assigns, forever.

IN WITNESS WHEREOF, the mortgagee, Jim A. Johnson, by and through it's attorney-in-fact, James W. Fuhrmeister and the said James W. Fuhrmeister as auctioneer and person making the sale, have hereunto set our hands and seals on December 28, 2000.

Convenience Restaurants, Inc., Mortgagor

BY:  _____
Attorney-in-fact

Jim A. Johnson, Mortgagee

BY: _____

**AUCTIONEER AND PERSON MAKING THE
SAID SALE**

As the Auctioneer and person making said sale
James W. Fuhrmeister

STATE OF ALABAMA

COUNTY OF SHELBY

GENERAL ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James W. Fuhrmeister, whose name as attorney-in-fact for **Convenience Restaurants, Inc., a corporation**, and whose name as attorney-in-fact and agent for **Jim A. Johnson**, and whose name as auctioneer and person making the said sale, 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 this conveyance, that he, in his capacity as such attorney-in-fact and agent, and as such auctioneer, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on December 28, 2000.

NOTARY PUBLIC
My Commission Expires: 7-2003

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