

STATE OF ALABAMA :

JEFFERSON COUNTY :

KNOW ALL MEN BY THESE PRESENTS, that whereas, heretofore, on to-wit: March 12, 1997, Jeffrey D. McConathy and Carmon H. McConathy executed a certain mortgage on property hereinafter described to National Bank of Commerce, which said mortgage is recorded in Real 1997, page 10966, 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 of 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 therefore; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said National Bank of Commerce 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 January 8, 2003, January 15, 2003 and January 22, 2003; and

WHEREAS, on January 27, 2003, 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 National Bank of Commerce did offer for sale and sell at public outcry in front of the Courthouse door in Shelby County, Columbiana, Alabama, the property hereinafter described; and

WHEREAS, John R. Frawley, Jr. was the auctioneer who conducted said foreclosure sale and John R. Frawley, Jr. was the person conducting the sale for the said National Bank of Commerce, and whereas the said National Bank of Commerce was the highest bidder and best bidder, in the amount of Thirteen Thousand Dollars (\$13,000.00) on the indebtedness secured by said Mortgage, the said National Bank of Commerce, by and through John R. Frawley, Jr., as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto National Bank of Commerce the following described property situated in Shelby County, Alabama, to-wit:

Lot 8, according to the map and survey of Olde Towne Forest -
Second Addition as recorded in Map Book 12, Page 85, in the
Probate Office of Shelby County, Alabama

TO HAVE AND TO HOLD the above described property unto National Bank of Commerce,

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, National Bank of Commerce has caused this instrument to be executed by and through John R. Frawley, Jr., as auctioneer conducting the said sale and as Attorney-in-Fact, and John R. Frawley, Jr., as auctioneer conducting said sale, has hereto set his hand and seal on this the 27th of January, 2003.

BY:


AUCTIONEER AND ATTORNEY IN FACT


AUCTIONEER CONDUCTING SAID SALE

STATE OF ALABAMA :

JEFFERSON COUNTY :

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John R. Frawley, Jr., whose name as auctioneer and Attorney-in-Fact for National Bank of Commerce, and John R. Frawley, Jr., whose name as auctioneer conducting said sale, 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 27th of January, 2003.


NOTARY PUBLIC
My commission expires: 4-28-06

This Instrument Prepared By:

John R. Frawley, Jr.
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