

This Instrument Prepared By:
A. Melissa Boles
CHRISTIAN & SMALL LLP
505 North 20th Street, Suite 1800
Birmingham, Alabama 35203

STATE OF ALABAMA)
SHELBY COUNTY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, Briarwood Construction, Inc. did execute to **First Commercial Bank** (sometimes herein referred to as "Mortgagee"), a certain mortgage bearing date of the 15th day of September, 2002, which mortgage is recorded in the Office of the Probate Judge of Shelby County, Alabama, as Instrument Number 20021118000572690 to secure an indebtedness evidenced by the Promissory Note therein described;

WHEREAS, default was made in payment of said Note secured by said Mortgage, and Mortgagee, elected to declare the entire indebtedness secured by said Mortgage due and payable under the power of sale contained in said Mortgage;

WHEREAS, pursuant to the power of sale contained in said Mortgage the undersigned did cause to be published in the *Shelby County Reporter*, a newspaper published in the City of Columbiana, Shelby County, Alabama, in the issues of April 16, 2003; April 23, 2003; and April 30, 2003, a notice stating that under and by virtue of the power of sale contained in said Mortgage, the undersigned would sell, at public outcry, to the highest bidder for cash in front of the Courthouse door of the Shelby County Courthouse, Columbiana, Alabama, during the legal hours of sale, on the 7th day of May, 2003, the real estate described in said Mortgage, a description of which is herein set out;

WHEREAS, at the time and place stated in said notice, the undersigned **First Commercial Bank** did on the 7th day of May, 2003, by and through A. Melissa Boles, as Auctioneer, offer said property for sale to the highest bidder for cash, and at said sale **First Commercial Bank** became the purchaser of said property at and for the sum of Eighty Thousand and no/100 Dollars (\$80,000.00) cash, that being the highest and best bid for said property at said sale;

WHEREAS, A. Melissa Boles conducted said sale on behalf of the said **First Commercial Bank**, as its Auctioneer;

WHEREAS, said Mortgage expressly authorizes the person conducting said sale to execute to the purchaser at said sale a foreclosure deed to the property as purchased;

NOW THEREFORE, in consideration of the sum of Eighty Thousand and no/Dollars (\$80,000.000) paid by **First Commercial Bank** as Mortgagee, and the said **First Commercial Bank**, by and through A. Melissa Boles, as Auctioneer, does grant, bargain, sell, convey unto the

said **First Commercial Bank** the following described Real Estate which is situated in Shelby County, Alabama:

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, ACCORDING TO THE MAP OF SUMMER FIELD COTTAGES, AS RECORDED IN MAP BOOK 26, PAGE 140, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

TO HAVE AND TO HOLD unto the said **First Commercial Bank**, their successors, and assigns forever, subject however to the statutory right of redemption on the part of **Briarwood Construction, Inc.**

IN WITNESS WHEREOF, **First Commercial Bank**, as Mortgagee, by A. Melissa Boles, as Auctioneer, have hereunto set their hand and seal this the 9th day of May, 2003.

First Commercial Bank

By: A. Melissa Boles
A. Melissa Boles
Auctioneer

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that A. Melissa Boles, whose name as Auctioneer for **First Commercial Bank**, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, as such Auctioneer and with full authority, she executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal on this the 9th day of May, 2003.

Dana Bonner Fudsey
NOTARY PUBLIC
My Commission Expires: 7-5-03

Grantee's Address and
Request for Tax Notices:

First Commercial Bank
Attention: Scott Matthews
P. O. Box 11746
Birmingham, Alabama 35202-1746
(205) 879-2800