
THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY AT LAW
POST OFFICE BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA

MORTGAGE FORECLOSURE DEED

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS, that, WHEREAS, on or about the 9th day of January, 2004, JUSTIN L. NELSON, an unmarried man, executed a mortgage conveying the real estate hereinafter described in Shelby County, Alabama, to YARBROUGH LIVING TRUST, as Mortgagee, which said mortgage was recorded on January 9, 2004, at 09:42:00 A.M., as Instrument #20040109000016080, in the Office of the Judge of Probate of Shelby County, Alabama (hereinafter referred to as "said mortgage" or words to that effect), which said mortgage and the indebtedness secured thereby is and was as of the date upon which this foreclosure proceeding was instituted, and is and was as of the date upon which this foreclosure deed was executed, the sole property of said Mortgagee; and

WHEREAS, in and by said mortgage said 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 real estate in front of the Court-house door in the City of Columbiana, Shelby County, Alabama, after giving twenty-one days notice of the time, place, and terms, of said sale, by publication once a week for three consecutive weeks prior to said sale in some newspaper published in Shelby County, Alabama, such sale to be 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 the same the Mortgagee or any person conducting said sale for the Mortgagee might bid at the same and purchase said property if the highest bidder therefor; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and such default continuing, the said Mortgagee 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 June 10, 17, and 24, 2004, and;

WHEREAS, on July 6, 2004, at approximately 12:00 o'clock noon, being the day and approximate time on which the foreclosure sale was scheduled to be held under the terms of said notice between the legal hours of sale, said foreclosure was duly and properly conducted and said Mortgagee did, in strict compliance with the power of sale contained in said mortgage, offer for sale at public outcry to the highest bidder for cash in front of the Shelby County Courthouse front door in the City of Columbiana, Shelby County, Alabama, the real estate hereinafter described and against which said Mortgagee held a first mortgage lien; and

WHEREAS, the undersigned, Janet F. Parson, was the auctioneer, agent and attorney-in-fact who conducted said foreclosure sale and was the person conducting said sale for the said Yarbrough Living Trust; and

WHEREAS, the last, highest and best bid for said real estate described in said mortgage was the bid of the Yarbrough Living Trust, in the amount of Thirty-Five Thousand and no/100 Dollars, which sum of money was offered as a credit toward a portion of the indebtedness secured by said mortgage, and said real estate was thereupon sold to the Yarbrough Living Trust.

NOW THEREFORE, in consideration of the premises and a credit in the amount of Thirty-Five Thousand and no/100-----DOLLARS toward a portion of the indebtedness secured by said mortgage, the said YARBROUGH LIVING TRUST, acting by and through Janet F. Parson, as auctioneer conducting said sale and as attorney-in-fact for JUSTIN L. NELSON, respectively, and by and through Janet F. Parson, as auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto the said YARBROUGH LIVING TRUST, the following described real estate situated in Shelby County, Alabama, together with all improvements thereon and appurtenances thereto, to-wit:

PARCEL A-2:

A parcel of land lying in the SW 1/4 of Section 23, Township 21 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows:

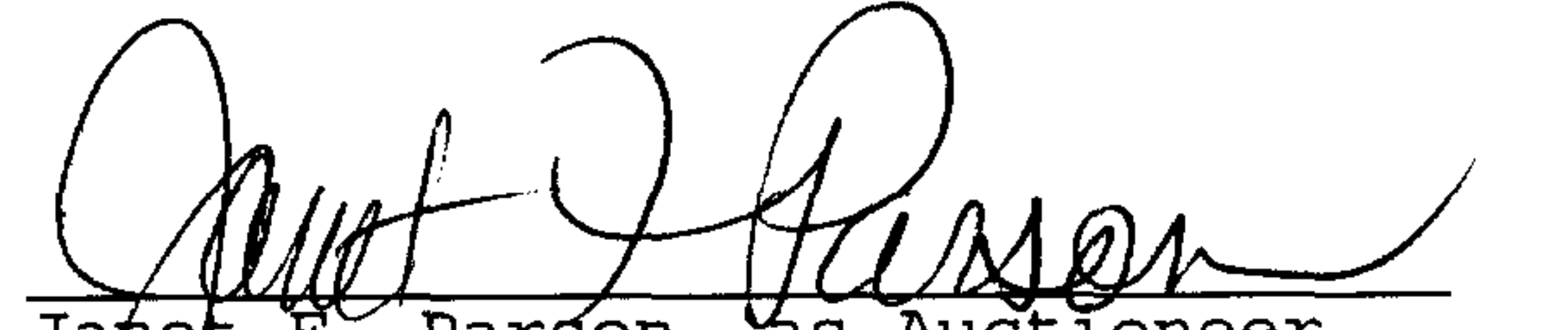
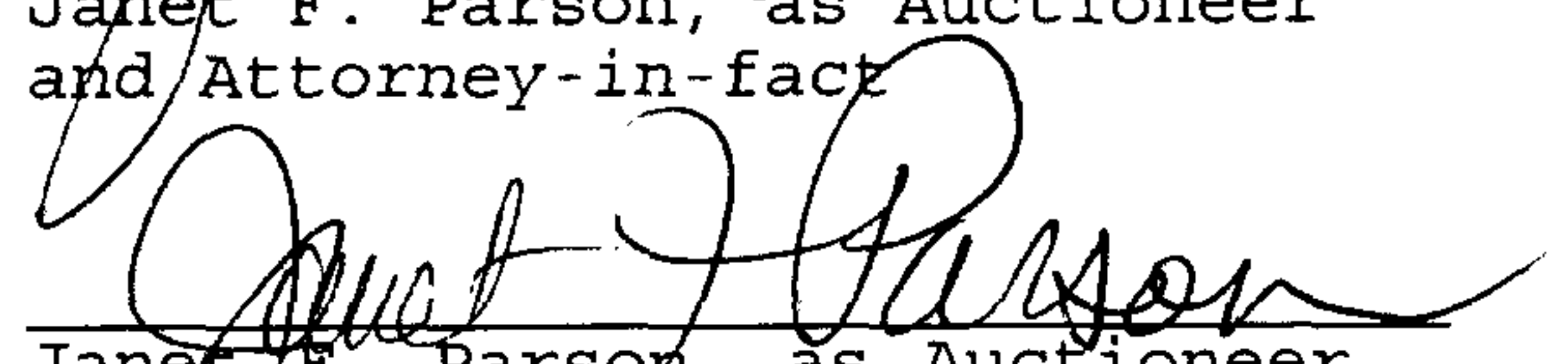
Commence at the Northwest corner of said Section 23; thence run South 00 degrees 09 minutes 59 seconds West a distance of 2641.42 feet to a found iron pin at the NW corner of said SW 1/4 and the point of beginning; thence run South 87 degrees 55 minutes 47 seconds East a distance of 471.31 feet to a found iron pin; thence run South 29 degrees 55 minutes 26 seconds West along the Northwesterly right of way of State Highway 145 a distance of 413.49 feet to a 1/2-inch rebar set; thence run North 60 degrees 04 minutes 34 seconds West a distance of 306.20 feet to a 1/2-inch rebar set; thence run North 00 degrees 09 minutes 59 seconds East a distance of 222.65 feet to the point of beginning.

TO HAVE AND TO HOLD the above described real estate unto the said YARBROUGH LIVING TRUST, its successors and assigns forever, together with the hereditaments and appurtenances thereto belonging; subject, however, to the

statutory right-of-redemption from said foreclosure sale on the part of those entitled to redeem, as provided by the laws of Alabama, and to all easements, restrictions and rights-of-way of record.

IN WITNESS WHEREOF, the said JUSTIN L. NELSON and the YARBROUGH LIVING TRUST have caused this instrument to be executed by and through Janet F. Parson, acting as auctioneer conducting said sale and as attorney-in-fact for all parties separately, and Janet F. Parson, as auctioneer conducting said sale and as attorney-in-fact for each of said parties, has hereto set her hand and seal on this the 6th day of July, 2004.

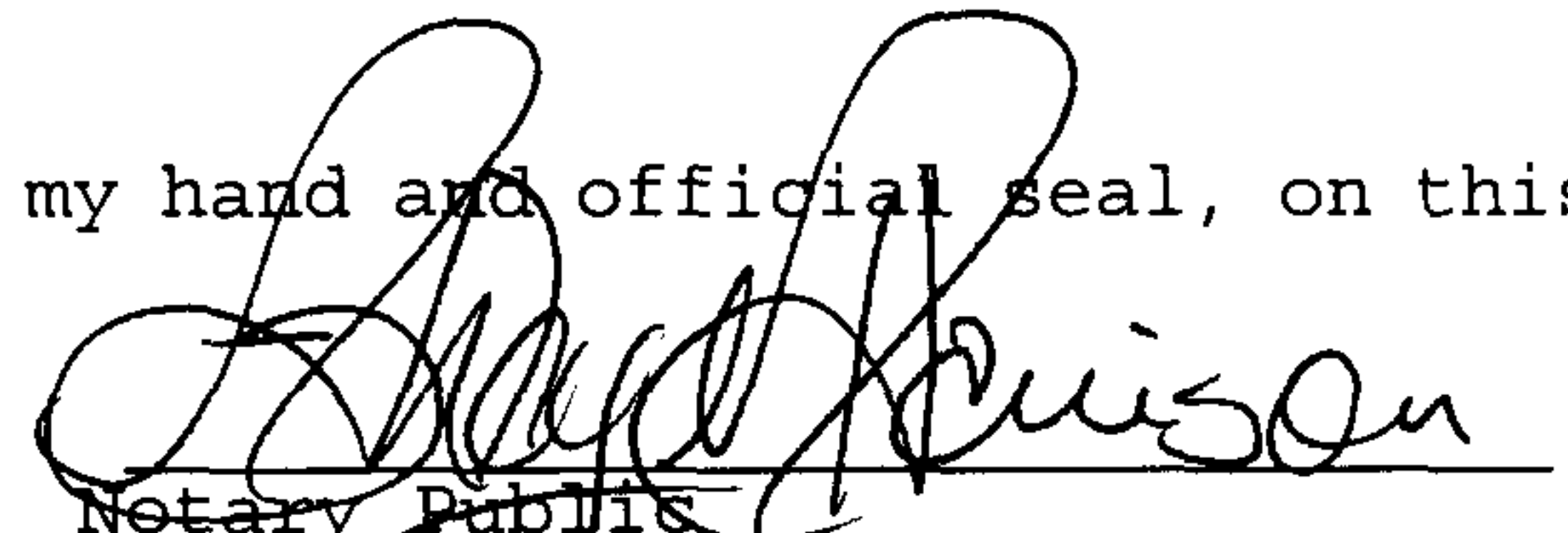

Janet F. Parson, as Auctioneer
and Attorney-in-fact


Janet F. Parson, as Auctioneer
and Attorney-in-fact

Janet F. Parson, as Auctioneer
conducting said sale

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Janet F. Parson, whose name as Auctioneer is signed to the foregoing conveyance, and who signed the names of JUSTIN L. NELSON, to the above conveyance, and also signed the name of YARBROUGH LIVING TRUST, 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, she executed the same voluntarily on the day the same bears date, as the action of herself as Auctioneer and the person conducting said foreclosure sale for the said Mortgagee, with full authority, for and as the act of said Mortgagee, and for and as the act of JUSTIN L. NELSON, in the mortgage referred to in the foregoing deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, on this the 6th day of July, 2004.


Notary Public

My commission expires: 2-20-07