

AUCTIONEER'S DEED

STATE OF ALABAMA
COUNTY OF SHELBY

WHEREAS, RICHARD A. COLBERT, A Single Man, Individual executed a mortgage to America's Mortgage Resource, LLC on the 21st day of February, 2001, on that certain real property hereinafter described, which mortgage is recorded in Instrument #2001-06588, of the records in the Office of the Judge of Probate, Shelby County, Alabama; which said mortgage was subsequently assigned to Ohio Savings Bank, its successors and assigns by instrument recorded in Instrument #2001-06589 of said Probate Court records; and

WHEREAS, in said mortgage the mortgagee was vested with full power and authority, upon the happening of a default in the payment of the principal note described in and secured by said mortgage or any installment of interest thereon, to sell said property hereinafter described at public outcry before the Courthouse door in the City of Columbiana, County of Shelby, Alabama, for cash to the highest bidder, after giving notice of the time, place and terms of sale by an advertisement published once a week for three successive weeks in a newspaper published in the City of Columbiana, Alabama; and

WHEREAS, default was made in the payment of said indebtedness described in and secured by said mortgage; and

WHEREAS, notice of the time, place and purposes of said sale, as required by said mortgage has been given in The Shelby County, a newspaper published in the City of Columbiana, Alabama, by an advertisement published in the issues of said newspaper on May 26th, June 2nd and 9th, 2003, fixing the time of the sale of said property to be during the legal hours of sale on the 28th day of June, 2004, and the place of same at the front door of the Courthouse of Shelby County, in the City of Columbiana, Alabama, and the terms of the sale to be cash; and

WHEREAS, a sale has been made of the said real property hereinafter described during the legal hours of sale on the 28th day of June, 2004, at the front door of the Courthouse of Shelby County, Alabama, in strict conformity with the powers of sale contained in the said mortgage, at which sale **OHIO SAVINGS BANK** was the highest and best bidder and did become the purchaser of the real property hereinafter described for the sum of \$117,000.00 cash in hand paid by said purchaser to Michael T. Atchison, as auctioneer who conducted the sale on behalf of the owner of said mortgage; the said Ohio Savings Bank, by and through Michael T. Atchison as such auctioneer, and as its attorney-in-fact, and Richard A. Colbert by Michael T. Atchison, as their attorney-in-fact, under and by virtue of the authority contained in said mortgage, do hereby GRANT, BARGAIN, SELL AND CONVEY unto **OHIO SAVINGS BANK**, its successors and assigns, the following described real property situated in the County of Shelby, State of Alabama, to-wit:

Lot 9, according to the Map and Survey of Silver Creek, Sector 1, as recorded in Map Book 26, Page 144 in the Probate Office of Shelby County, Alabama.

TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments, easements and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said **OHIO SAVINGS BANK**, the purchaser at said sale, its successors and assigns, forever; subject however, to the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, the said Ohio Savings Bank by and through Michael T. Atchison, as the auctioneer who conducted said sale, and as its attorney-in-fact and Richard A. Colbert by Michael T. Atchison, as their attorney-in-fact, have hereunto set their hands and seals as of this the 28th day of June, 2004.

Ohio Savings Bank

BY: Michael T. Atchison
Auctioneer who conducted said sale and
attorney-in-fact

Richard A. Colbert

By: Michael T. Atchison
Attorney-in-fact

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Michael T. Atchison, the auctioneer who conducted the sale, whose name as auctioneer and attorney-in-fact for Ohio Savings 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 said conveyance, he in his capacity as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 28th day of June, 2004.

James J. Pearson
NOTARY PUBLIC
My Commission Expires: 10/16/04

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Michael T. Atchison, whose name as attorney-in-fact for Richard A. Colbert 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 said conveyance, he, in his capacity as attorney-in-fact, executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 28th day of June, 2004.

James J. Pearson
NOTARY PUBLIC
My Commission Expires: 10/16/04

Grantee's address:
1801 East 9th Street, Suite 200
Cleveland, Ohio 44114

This instrument prepared by:
William S. McFadden
McFADDEN, LYON & ROUSE, L.L.C.
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Mobile, Alabama 36609