

**MORTGAGE FORECLOSURE DEED**

STATE OF ALABAMA        )

SHELBY COUNTY            )

WHEREAS, on, to-wit: May 28, 2004, **ED CATES AND PAUL ASH**, each a married man, (herein called MORTGAGORS), did execute and deliver to **FIRST FINANCIAL BANK**, a corporation, (hereinafter called MORTGAGEE), a certain mortgage on the hereinafter described real estate to secure an indebtedness of \$1,852,853.25 therein described, said mortgage being recorded at Instrument # 20040604000298200, in the Probate Court of Shelby County, Columbiana, Alabama, and

WHEREAS, under the terms and provisions of said mortgage the said Mortgagee was authorized and empowered upon default in the payment of said indebtedness, to sell said real estate at public sale at the entrance of the Shelby County Courthouse at Columbiana, Alabama, to the highest bidder for cash, after first having mailed a thirty (30) day written notice to Mortgagors as required by said mortgage and after first having given notice of the time, place and terms of sale by advertisement for three (3) successive weeks in THE SHELBY COUNTY REPORTER newspaper published in Shelby County, Alabama; and

WHEREAS, Mortgagors did fail and default in the payment of the indebtedness described in and secured by said mortgage and said indebtedness did thereby become in default and said mortgage was thereby subject to foreclosure; and

WHEREAS, the said Mortgagee, upon default in the payment of the indebtedness did declare the entire indebtedness due and payable and elected to foreclose said mortgage; and

WHEREAS, Mortgagee did give said thirty (30) day written notice as required by said mortgage and did thereafter advertise and give notice of the sale of said real estate under

*Stone Patton*

the terms and conditions of said mortgage by advertising notice of the time, place and terms of sale in THE SHELBY COUNTY REPORTER, a newspaper of general circulation published in Shelby County, Alabama, said notices appearing in said newspaper once a week for three (3) successive weeks, on April 18, April 22 and May 2, 2007, which said notices stated that said real estate, describing it, would be sold at public auction to the highest bidder for cash during the legal hours of sale on May 14, 2007 at the entrance of the Shelby County Courthouse, at Columbiana, Alabama; and

WHEREAS, on May 14, 2007, within the legal hours of sale at the entrance of the Shelby County Courthouse, at Columbiana, Alabama, said real estate was offered for sale at public auction by V. Edward Freeman, II, who was and is the attorney for Mortgagee and acted as auctioneer in conducting said sale, and at said sale was sold to FIRST FINANCIAL BANK for the sum of \$1,852,853.25 said amount being the highest, best and last bid offered for said real estate.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned V. Edward Freeman, II, as Attorney for Mortgagee and as auctioneer conducting said sale, for and in consideration of the premises and the sum of \$1,852,853.25, do hereby grant, bargain, sell and convey unto FIRST FINANCIAL BANK, all of the right, title and interest of the said Mortgagors and of FIRST FINANCIAL BANK, as Mortgagee in and to the following described real estate situated in Shelby County, Alabama, to-wit:

**SEE ATTACHED EXHIBIT "A" FOR COMPLETE LEGAL DESCRIPTION**

**SUBJECT TO:**

1. Taxes for the year 2007 and subsequent years.
2. Right of redemption.
3. Easements and building line as shown on recorded map.




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4. Mineral and mining rights excepted.
5. Less and except any portion within the right of way of a public road.
6. Transmission Line Permit to Alabama Power Company as shown by instrument recorded in Deed Book 203, page 553, in the Probate Office of Shelby County, Alabama. (Parcel I)
7. Easement to Alabama Power Company as shown by instrument recorded in Real 224, page 597, in the Probate Office of Shelby County, Alabama.
8. Transmission Line Permit to Alabama Power Company as shown by instrument recorded in Deed Book 203, page 552, in the Probate Office of Shelby County, Alabama. (Parcel II)
9. Right of way granted to Shelby County by instrument recorded in Deed Book 239, page 812 and Deed Book 242, page 313, in the Probate Office of Shelby County, Alabama. (Parcel II)
10. Easement to the City of Calera, recorded in Instrument No. 20030822000557340, in the Probate Office of Shelby County, Alabama.
11. Rights acquired by Alabama Power Company as set out in Real 50, page 64, in the Probate Office of Shelby County, Alabama.
12. Easement to the City of Calera, recorded in Instrument No. 200403100000121920, in the Probate Office of Shelby County, Alabama.
13. That certain mortgage by Ed Cates and Paul Ash to Matthew T. Lemak, dated 9/8/04, and recorded in Instrument No. 20040914000509250, in the Probate Office of Shelby County, Alabama.
14. That certain mortgage by Edward Cates to Acceptance Loan Company, Inc., in the amount of \$53,663.40, dated 8/17/05, and recorded in Instrument No. 20050822000430800, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD UNTO SAID, FIRST FINANCIAL BANK, its, successors, heirs and assigns, FOREVER, as fully and aforesaid, under and by virtue of the power and authority vested in me as such attorney and auctioneer by the terms of said mortgage.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, as attorney and auctioneer aforesaid, on this 25 day of May, 2007.

  
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ED CATES and PAUL ASH

(SEAL)

By V. Edward Freeman II  
As Attorney and Auctioneer Aforesaid

FIRST FINANCIAL BANK

(SEAL)

By V. Edward Freeman II  
As Attorney and Auctioneer Aforesaid

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that V. Edward Freeman, II, whose name as attorney for Mortgagee and Auctioneer conducting the sale described in the above and foregoing conveyance, 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, he, in his capacity as such attorney and auctioneer, executed the same voluntarily on the day the same bears date.


Natalie R. Walker  
Natalie R. Walker, Notary Public

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: OCT 15, 2008  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

THIS INSTRUMENT PREPARED BY:

V. Edward Freeman, II  
Stone, Patton, Kierce & Freeman  
118 18<sup>th</sup> Street North  
Bessemer, AL 35020  
Phone (205) 424-1150

  
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**Exhibit "A"****PARCEL 1**

A PARCEL OF LAND IN THE SOUTH  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, DESCRIBED AS FOLLOWS: COMMENCE AT THE SE CORNER OF SAID SECTION 33; THENCE RUN NORTH ALONG THE EAST SECTION LINE 774.20 FEET; THENCE TURN LEFT 90 DEGREES 50 MINUTES AND RUN WEST 1297.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE LAST COURSE 337.24 FEET; THENCE RIGHT 94 DEGREES 25 MINUTES AND RUN NORTH 528.44 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF ALABAMA HIGHWAY NO. 70 SAID POINT BEING ON A CLOCKWISE CURVE HAVING A DELTA ANGLE OF 13 DEGREES 47 MINUTES 35 SECONDS AND A RADIUS OF 1403.43 FEET AND A CHORD OF 337.40 FEET; THENCE TURN RIGHT 85 DEGREES 41 MINUTES 49 SECONDS TO THE CHORD AND RUN EAST ALONG THE ARC OF SAID CURVE 337.85 FEET; THENCE TURN RIGHT 94 DEGREES 19 MINUTES 31 SECONDS FROM THE CHORD OF SAID CURVE AND RUN SOUTH 527.90 FEET TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

**PARCEL II**

A PART OF THE SE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, BEGIN AT THE SE CORNER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 2 WEST; THENCE NORTHERLY ALONG THE EAST BOUNDARY OF SAID SECTION FOR 774.20 FEET; THENCE LEFT 90 DEGREES 50 MINUTES IN A WESTERLY DIRECTION 731.99 FEET TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF THE LAND CONVEYED TO RANDY L. TRICE IN REAL BOOK 49, PAGE 249 IN THE PROBATE OFFICE; THENCE CONTINUE WESTERLY ALONG SAME COURSE 565.50 FEET TO THE SOUTHEAST CORNER OF THE LAND CONVEYED TO WILLIAM AND PATRICIA LLOYD IN INST. #2002-01727 IN THE PROBATE OFFICE; THENCE NORTHERLY ALONG THE EAST LINE OF SAID PARCEL I FOR 527.90 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY BOUNDARY OF ALABAMA HIGHWAY 70; THENCE EASTERLY AND SOUTHEASTERLY ALONG SAID SOUTH BOUNDARY 570.00 FEET, TO THE NORTHWEST CORNER OF THE LAND CONVEYED TO SAID RANDY L. TRICE; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID RANDY L. TRICE PARCEL 458.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA. LESS AND EXCEPT THAT PORTION OF CAPTION LANDS SOLD TO THE STATE OF ALABAMA BY INSTRUMENT RECORDED IN REAL RECORD 090, PAGE 64 IN PROBATE OFFICE



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