

STATE OF ALABAMA

SHELBY COUNTY

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MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS

THAT, WHEREAS, heretofore, on to-wit February 2, 2005, DMF Construction, Inc., executed a certain mortgage on property hereinafter described to Aliant Bank, which said mortgage is recorded as instrument #20050209000064920, in the Office of the Probate Judge in Shelby County, Alabama, and;

WHEREAS, in and by said mortgage, the mortgagee, its successors or assigns, were authorized and empowered in the event of default, 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 published in said County by publication once a week for three (3) consecutive weeks prior to said sale 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 same, the mortgagee or any person conducting said sale for the mortgagee was authorized to execute the proper conveyance 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 therefor; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the same Aliant Bank did declare all of the indebtedness secured by said mortgage due and payable and said mortgage subject to foreclosure as therein provided and did give due and proper notice of foreclosure of a said mortgage, by U. S. Mail and by publication in *Shelby County Reporter*, a newspaper of general circulation, published in Shelby County, Alabama, in its issues of January 16, January 23, January 30, and February 13, 2008. WHEREAS, on the 25<sup>th</sup> day of February, 2008, the day on which said foreclosure sale was due to be held under the terms of said notice between the legal hours of sale, said foreclosure was duly and properly conducted and Burt W. Newsome as Attorney-in-Fact for the said Aliant Bank did offer for sale and sell at public outcry, at the Courthouse in Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Burt W. Newsome was the Auctioneer who conducted said foreclosure sale for the said Aliant Bank; and

WHEREAS, the said Aliant Bank was the highest bidder in the amount of \$343,379.03, which sum of money Aliant Bank offered to apply to the costs of foreclosure and then to the



remaining balance on the indebtedness secured by said mortgage, and said property was thereupon sold to Aliant Bank.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, and the amount of \$343,379.03, the said DMF Construction, Inc. and Aliant Bank by and through Burt W. Newsome, the person acting as auctioneer and conducting said sale as their duly authorized agent and Attorney-in-Fact and Auctioneer does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Aliant Bank AS IS, WHERE IS, the following described property situated in Shelby County, Alabama, to-wit:

Lot 2220, according to the Survey of Highland Lakes, 22<sup>nd</sup> Sector, Phase I, an Eddleman Community, as recorded in Map Book 33, Page 79, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Together with nonexclusive easement to use the private roadways, common area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Inst. #1994-07111 and amended in Inst. #1996-17543, and further amended in Inst. #1999-31095, in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 22<sup>nd</sup> Sector, Phase I, recorded in Inst. #20040823000471390, in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

Together with the hereditaments and appurtenances thereunto belonging and all fixtures now attached to and used in connection with the premises herein described, subject to right of way easements and restrictions of record in the Probate Office of Shelby County, Alabama, and existing special assessments, if any, which might adversely affect the title to the above described property.

TO HAVE AND TO HOLD the above described property unto the said Aliant Bank, 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 and the United States of America.

IN WITNESS WHEREOF, the said DMF Construction, Inc. and Aliant Bank have caused this instrument to be executed by and through Burt W. Newsome, as Auctioneer conducting said sale and as Attorney-in-Fact for all parties separately, and Burt W. Newsome has hereto set his hand and seal on this the 25<sup>th</sup> day of February, 2008.

DMF Construction, Inc.

BY: [Signature]  
Burt W. Newsome  
Attorney-in-Fact

Aliant Bank

BY: [Signature]  
Burt W. Newsome  
as Attorney-In-Fact and Agent

BY: [Signature]  
Burt W. Newsome as the Auctioneer  
and person making said sale

STATE OF ALABAMA

SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State of Alabama, hereby certify that Burt W. Newsome whose name as Attorney-in-Fact for DMF Construction, Inc. whose name as Attorney-in-Fact and agent for Aliant Bank is signed to the foregoing conveyance and whose name as Auctioneer and person making said sale, 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-in-Fact, agent, and as such Auctioneer executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 25<sup>th</sup> day of February, 2008.

[Signature] My Commission Expires 8/6/2011  
Notary Public in and for  
the State of Alabama at Large

THIS INSTRUMENT PREPARED BY:  
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