

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

**FORECLOSURE DEED FOR UNPAID CONDOMINIUM ASSESSMENTS**

**KNOW ALL PERSONS BY THESE PRESENTS**, that heretofore on, to wit: the Declaration of Condominium for Horizon Condominium, which is recorded in Instrument 2001-40927, to which Declaration of Condominium a plan is attached as Exhibit "A" thereto, said Plan being filed for record in Map Book 28, Page 141 in the Probate Office of Shelby County, Alabama, and to which said Declaration of Condominium the By-Laws of the Horizon Condominium Association, Inc. is attached as Exhibit "D", together with an undivided interest in the common Elements assigned to said Unit, as shown in Exhibit "C" of said Declaration of Condominium of Horizon, a Condominium;

**WHEREAS**, Jason D. Thomason acquired fee simple title to Unit 202 in Horizon Condominium, a condominium, by warranty deed recorded document no. 20060915000460560 in the Office of the Judge of Probate of Shelby County, Alabama; and

**WHEREAS**, Alabama Code § 35-8A-316 provides the Association shall have a lien against the individual units within the condominium property for payment of the assessments levied by the Association for the common expenses of the condominium property. Alabama Code §35-8A-316 further provides that the lien of the Association may be foreclosed as are mortgages containing a power of sale in the State of Alabama. Before commencing foreclosure proceedings, the Association provided reasonable notice to the owner/occupant and the mortgagee of the below described condominium unit as required by Alabama Code §35-8A-316; and

**WHEREAS**, default was made in the payment of the common expense assessments secured by said lien, and the Association did declare the assessments secured by said lien due and payable and did give due and proper notice in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, and of general circulation in Shelby County, Alabama, once a week for three consecutive weeks prior to the sale that the Association would sell in payment of the unpaid assessments in satisfaction of the lien, the below described condominium unit at public outcry for cash to the highest bidder; and

**WHEREAS**, on July 10, 2008, the day on which the foreclosure 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 the Association did offer for sale and sell at public outcry in front of the Courthouse at Shelby County, Alabama, the condominium unit hereinafter described; and

**WHEREAS**, Bradley Boyd, was the Auctioneer who conducted said foreclosure sale and was the person conducting said sale as Attorney-in-Fact for the Association; and

**WHEREAS**, the highest and best bid for the below described condominium unit was the bid of the Association in the amount of Six Thousand One Hundred Twenty-eight and 58/100



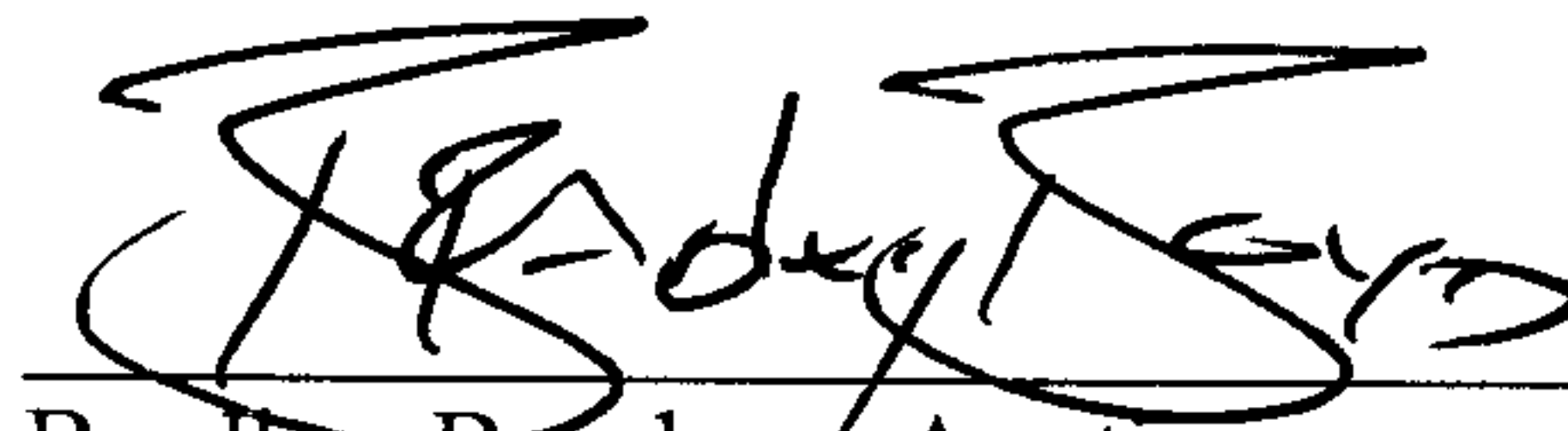
Dollars (\$6,128.58), which sum of money the Association credited to the unpaid condominium assessments secured by said lien and the attorney fee and other costs associated with the foreclosure sale.

**NOW, THEREFORE**, the Association by and through Bradley Boyd, as Auctioneer conducting said sale and as Attorney-in-Fact for the Association does hereby grant, bargain, sell and convey unto Horizon Condominium Owners' Association, Inc., the following described condominium unit situated in Shelby County, Alabama, to-wit:

Unit 202, in Horizon, a Condominium, as established by that certain Declaration of Condominium of Horizon, a Condominium, which is recorded in Instrument 2001-40927, to which Declaration of Condominium a plan is attached as Exhibit "A" thereto, said Plan being filed for record in Map Book 28, Page 141 in the Probate Office of Shelby County, Alabama, and to which said Declaration of Condominium the By-Laws of the Horizon Condominium Association, Inc. is attached as Exhibit "D", together with an undivided interest in the common Elements assigned to said Unit, as shown in Exhibit "C" of said Declaration of Condominium of Horizon, a Condominium.

**TO HAVE AND TO HOLD** the above-described condominium unit unto Horizon Condominium Owners' Association, Inc., 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**, Bradley Boyd has caused this instrument to be executed by him as Auctioneer conducting said sale, and as Attorney-in-Fact for the Association, and has hereto set his hand and seal on this the 10 day of July, 2008.



Bradley Boyd, as Auctioneer and Attorney-in-Fact  
for Horizon Condominium Owners' Association,  
Inc., an Alabama non-profit corporation

**ACKNOWLEDGMENT**

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public for the State of Alabama, and said County, hereby certify that Bradley Boyd, whose name as Auctioneer and Attorney-in-Fact for **HORIZON CONDOMINIUM OWNERS' ASSOCIATION, INC.**, an Alabama non-profit corporation, 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 said 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 official seal this the 10<sup>th</sup> day of July, 2008.

[SEAL]

Karen H. Overby  
Notary Public  
My Commission Expires: 9/16/08

**THIS INSTRUMENT PREPARED BY:**

Benjamin J. De Gweck  
DonovanFingar, LLC  
813 Shades Creek Parkway, Suite 200  
Birmingham, Alabama 35209

Shelby County, AL 07/15/2008  
State of Alabama

Deed Tax: \$6.50