


## MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA           )  
COUNTY OF SHELBY        )

  
20091116000426920 1/3 \$18.00  
Shelby Cnty Judge of Probate, AL  
11/16/2009 03:52:48 PM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, That,

WHEREAS, Harbar Construction Company Inc. (the "Grantor" or "Harbar Construction") executed that certain Real Estate Mortgage and Security Agreement to First Commercial Bank (the "Grantee" or "First Commercial"), dated May 13, 2008, and recorded in the Office of the Judge of Probate for Shelby County, Alabama, in Instrument No. 20080922000374760 (the "Mortgage"); and,

WHEREAS, default was made in payment of the indebtedness secured by said Mortgage, and First Commercial did declare all of the indebtedness secured by the said Mortgage due and payable, and said Mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said Mortgage in accordance with the terms thereof, by U.S. Regular Mail and by publication in **The Shelby County Reporter**, a newspaper of general interest and circulation published in Shelby County, Alabama in its issues of **October 14, October 21, and October 28, 2009**, and,

WHEREAS, on **November 4, 2009**, the day on which the foreclosure sale was due to be held under the terms of said notice between the legal hours of sale, said foreclosure sale was duly and properly conducted, and First Commercial did offer for sale and sell at public outcry, on the steps of the main entrance of the Shelby County, Alabama Courthouse located at Main Street, Columbiana, Alabama 35051, the property hereafter described; and,

WHEREAS, the highest and best bid obtained for the property described in the aforementioned Mortgage was the bid of First Commercial in the amount of **\$300,000.00**, which sum was offered to be credited on the indebtedness secured by said Mortgage, and said property was thereupon sold to First Commercial; and

WHEREAS, Daniel D. Sparks conducted the sale on behalf of First Commercial; and,

WHEREAS, said Mortgage expressly authorized the person conducting said sale to execute to the purchaser at said sale a deed to the property so purchased;

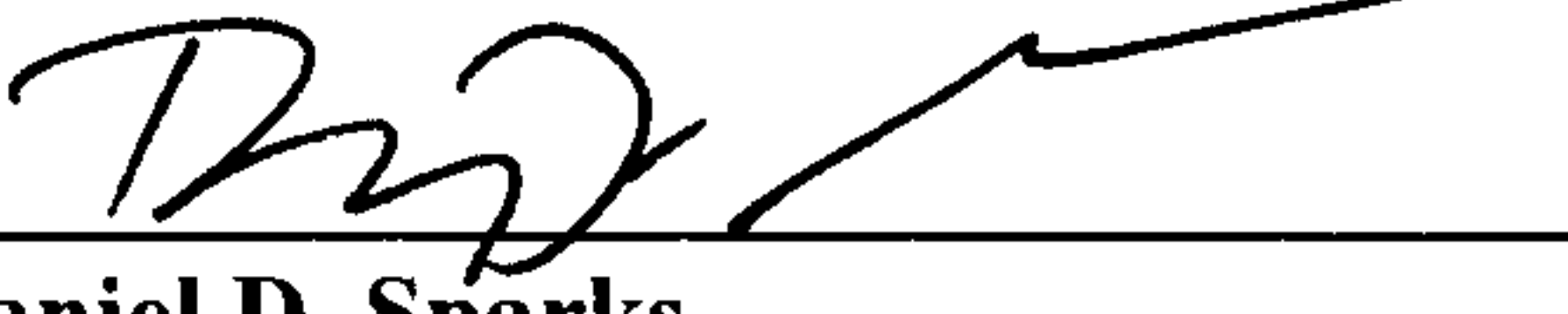
NOW, THEREFORE, in consideration of the premises and the credit of **\$300,000.00**, Harbar Construction, Mortgagor, by and through First Commercial, does grant, bargain, sell and convey unto First Commercial, the real property situated in Shelby County, Alabama described in the attached Exhibit "A."


TO HAVE AND TO HOLD, the above described property unto First Commercial, its/his/her 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, Harbar Construction, Mortgagor, by First Commercial Bank, by Daniel D. Sparks, as auctioneer conducting said sale caused these presents to be executed on this the 4th day of November, 2009.

**Harbar Construction Company Inc.**

By: **First Commercial Bank**


By:   
**Daniel D. Sparks,**  
**Auctioneer**

  
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STATE OF ALABAMA       )  
COUNTY OF JEFFERSON    )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Daniel D. Sparks, whose name as auctioneer for First Commercial 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 this conveyance, he, in his capacity as such auctioneer, executed the same voluntary on the day the same bears date.

Given under my hand and official seal this the 16<sup>th</sup> day of November 2009.

  
NOTARY PUBLIC  
My Commission Expires: 4/9/2013

**This Instrument Prepared By:**

Daniel D. Sparks  
Bradley R. Hightower  
Christian & Small, LLP  
505 20<sup>th</sup> Street North  
Suite 1800  
Birmingham, Alabama 35203

**Grantee's Address:**

First Commercial Bank  
800 Shades Creek Parkway  
Birmingham, Alabama 35209

**EXHIBIT A**

Lot 402, according to the Map and Survey of Caldwell Crossings, Fourth Sector, Phase One, as Recorded in Map Book 36, Page 28, in the Probate Office of Shelby County, Alabama.



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