


THIS INSTRUMENT PREPARED BY:
Dewayne N. Morris, Attorney at Law
2131 Third Avenue North
Birmingham, AL 35203

SEND TAX NOTICE TO:
EvaBank
1710 Cherokee Ave., S.W.
Cullman, AL 35055

STATE OF ALABAMA)
FORECLOSURE DEED)
SHELBY COUNTY)


20091120000432560 1/1 \$12.00
Shelby Cnty Judge of Probate, AL
11/20/2009 01:16:33 PM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS that on August 21, 2006, James R. Payton, a single man, executed a mortgage to EvaBank, an Alabama bank, which mortgage is recorded in Book as Instrument No. 20060830000427720, in the Probate Office of Shelby County, Alabama.

Default was made in payment of a portion of the indebtedness secured by and described in the mortgage and the holder and owner of the mortgage did declare the entire sum secured thereby to be due and payable, as provided by the terms of the mortgage, and the mortgage being and continuing in default and subject to foreclosure to and including November 4, 2009.

Under the power contained in the mortgage, the property described therein was advertised for sale by publication once a week for three consecutive weeks in **The Shelby County Reporter**, a newspaper published in Shelby County, Alabama, the notices appearing in the issues of the paper published on October 14, 21 and 28, 2009.

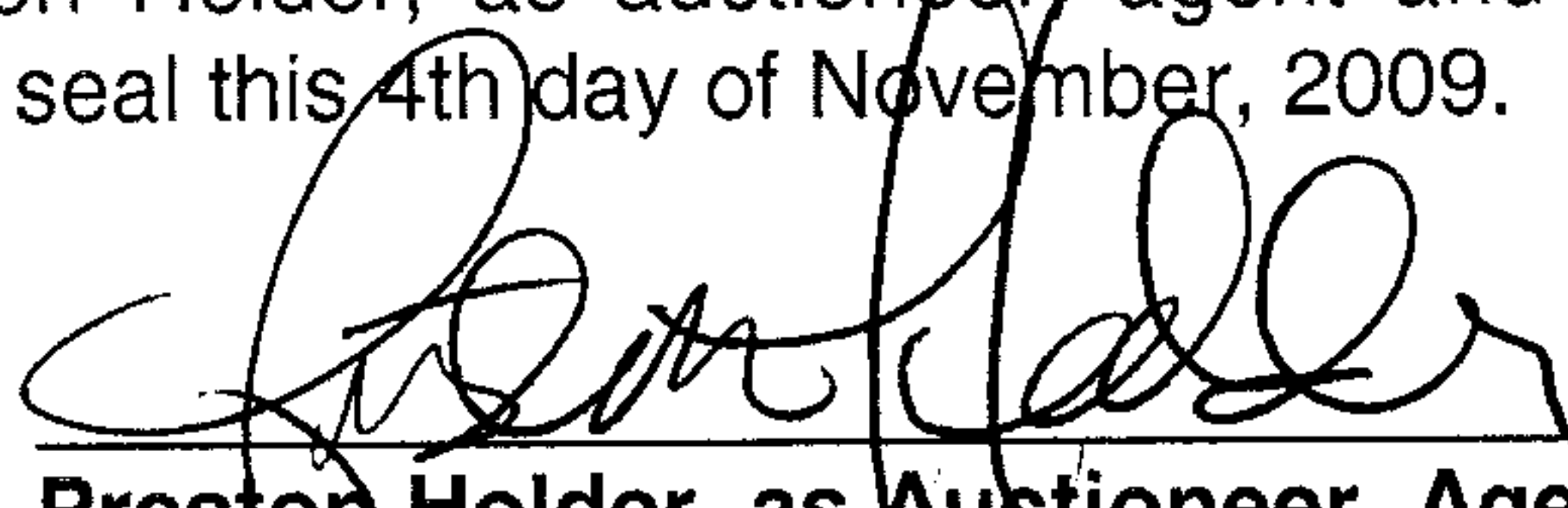
In strict compliance with the power of sale contained in said mortgage, the property therein described was offered for sale to the highest bidder for cash in front of the County Courthouse, Shelby County, Columbiana, Alabama, on November 4, 2009, during the legal hours of sale and the same was purchased by EvaBank, an Alabama bank who was duly authorized to do so under the terms of the mortgage, at and for the sum of \$165,000.00.

In consideration of the premises and of the payment to EvaBank the sum of \$165,000.00, which sum was offered to be credited on the indebtedness secured by the mortgage, receipt whereof is hereby acknowledged, I, Preston Holder, as auctioneer, agent and attorney in fact for mortgagee, by virtue of the power contained in the mortgage and the law in such cases made and provided, do hereby grant, bargain, sell and convey unto EvaBank all of the right, title, interest, and claim of James R. Payton, a single man, and of all persons and firms claiming under him, in and to the following described real estate located in Shelby County, Alabama:

Commence at the SW corner of Section 21, Township 24 North, Range 15 East, Shelby County, Alabama; thence run northerly along the W line of said Section 21, for 260.07 feet to the point of beginning of this Parcel 3; thence continue northerly along last described course 1,387.33 feet to an Alabama Power Company concrete monument on the waters edge at the 397 foot contour elevation; thence run northeasterly along said 397 foot contour line 588 feet, more or less, to a point on the same 397 foot contour line, that is 2,088.52 feet N of and 982.07 feet W of the SE corner of the SW ¼ of the SW ¼ of said Section 21; thence run southeasterly for 1,849.31 feet, more or less, to appoint that is 317.97 feet N and 539.41 feet W of the said SE corner of the SW ¼ of the SW ¼ of Section 21; thence 106°30' right and run westerly 108.18 feet to a point; thence 7°42' left and run westerly 684.31 feet to the point of beginning.

To have and to hold, unto EvaBank, an Alabama bank, its successors and assigns forever.

IN WITNESS WHEREOF, I, Preston Holder, as auctioneer, agent and attorney in fact for mortgagee have hereunto set my hand and seal this 4th day of November, 2009.

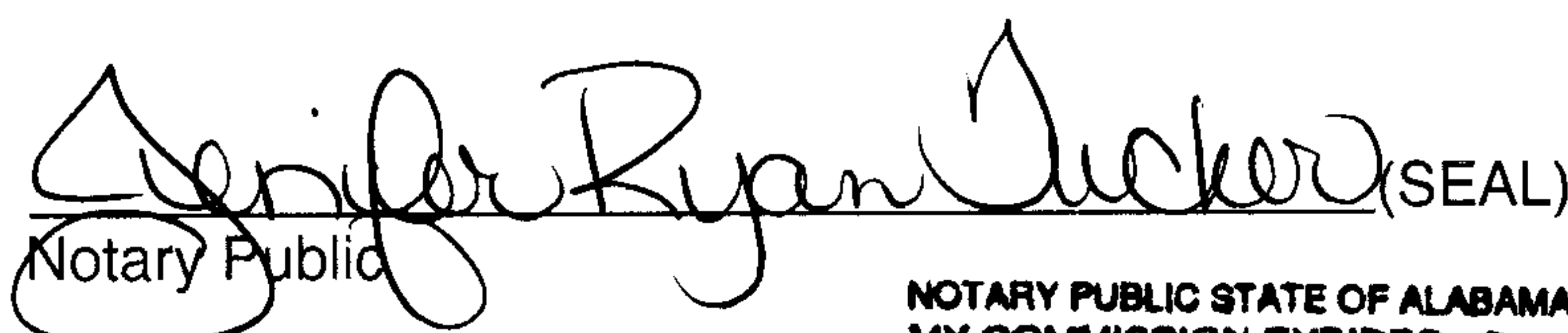


Preston Holder, as Auctioneer, Agent and Attorney in Fact Conducting said Sale

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Preston Holder, whose name is signed to the foregoing Foreclosure Deed, and who is known to me, acknowledged before me that, being informed of the contents of the conveyance, he, in his capacity recited in said deed, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 4th day of November, 2009.


Notary Public (SEAL)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 3, 2013
BONDED THRU NOTARY PUBLIC UNDERWRITERS