

STATE OF ALABAMA )

COUNTY OF SHELBY)

### FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that, whereas, heretofore on, to-wit: the 26<sup>th</sup> day of October, 2006, BRIEN LAWRENCE EARP and IRIS SUZANNE EARP, husband and wife, executed a mortgage to SUPERIOR BANK, herein called the Mortgagee, which said mortgage was recorded on October 30, 2006, in Instrument No. 20061030000534120, Probate Records of Shelby County, Alabama, which conveyed the property hereinafter described to secure the indebtedness evidenced by a note, payable in installments, therein described; and

WHEREAS, the said mortgage provides that if said indebtedness or any part thereof should remain unpaid at maturity, then the whole of indebtedness shall at once become due and payable and said mortgage be subject to foreclosure, and further provides that in the event of any such default the Mortgagee or its assigns shall have the authority to sell said property before the Courthouse Door in the City of Columbiana, County of Shelby, State of Alabama, at public outcry for cash after first giving notice by publication once a week for three successive weeks of the time, place and terms of said sale in some newspaper of general circulation published in Shelby County, Alabama, and further provides that in the event of any such sale the person conducting such sale shall have power and authority to execute a deed to the purchaser of said property at such sale, and further provides that the Mortgagee or its assigns may bid and become the purchaser at such sale of the property therein; and

WHEREAS, parts of said indebtedness remained unpaid at the respective maturities thereof, and the whole of said indebtedness thereupon became due and payable, and default was made in payment thereof, and thereafter notice was published in The Shelby County Reporter, a newspaper of general circulation and published in Shelby County, Alabama, on the 21<sup>st</sup> day of October, 2009, and the 28<sup>th</sup> day of October, 2009, and the 4<sup>th</sup> day of November, 2009, that the hereinafter described property would be sold before the front door of the Shelby County Courthouse at Columbiana, Alabama, at public outcry to the highest bidder for cash, within the legal hours of sale on the 24<sup>th</sup> day of November, 2009, and

WHEREAS, the said sale was held at the time and place stated in said notice, in strict conformity with the powers of sale contained in the said mortgage, at which sale **SUPERIOR BANK**, became the purchaser of the hereinafter described property at and for the sum of **\$136,780.31**, cash, which was the highest, best, and last bid therefore; and

WHEREAS, the undersigned, JAMES J. ODOM, JR., conducted said sale and acted as auctioneer thereat, under and pursuant to an appointment as such by **SUPERIOR BANK**;

NOW THEREFORE, IN consideration of the premises BRIEN LAWRENCE EARP and IRIS SUZANNE EARP, husband and wife, and **SUPERIOR BANK**, both acting by and through the undersigned as their duly constituted and appointed attorney-in-fact and auctioneer at said sale, do hereby grant, bargain, sell and convey unto the said **SUPERIOR BANK** the following described real property situated in Shelby County, Alabama, to-wit:

Lot 113, according to the Survey of Amberley Woods 4<sup>th</sup> Sector, as recorded in Map Book 21, Page 14, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the **SUPERIOR BANK**, its successors and assigns forever, as fully and completely in all respects as the same could or ought to be conveyed to the said **SUPERIOR BANK**, under and by virtue of the power and authority contained in the aforesaid mortgage. Subject, however, to the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama, also subject to prior liens, ad valorem taxes, easements and restrictions of record.

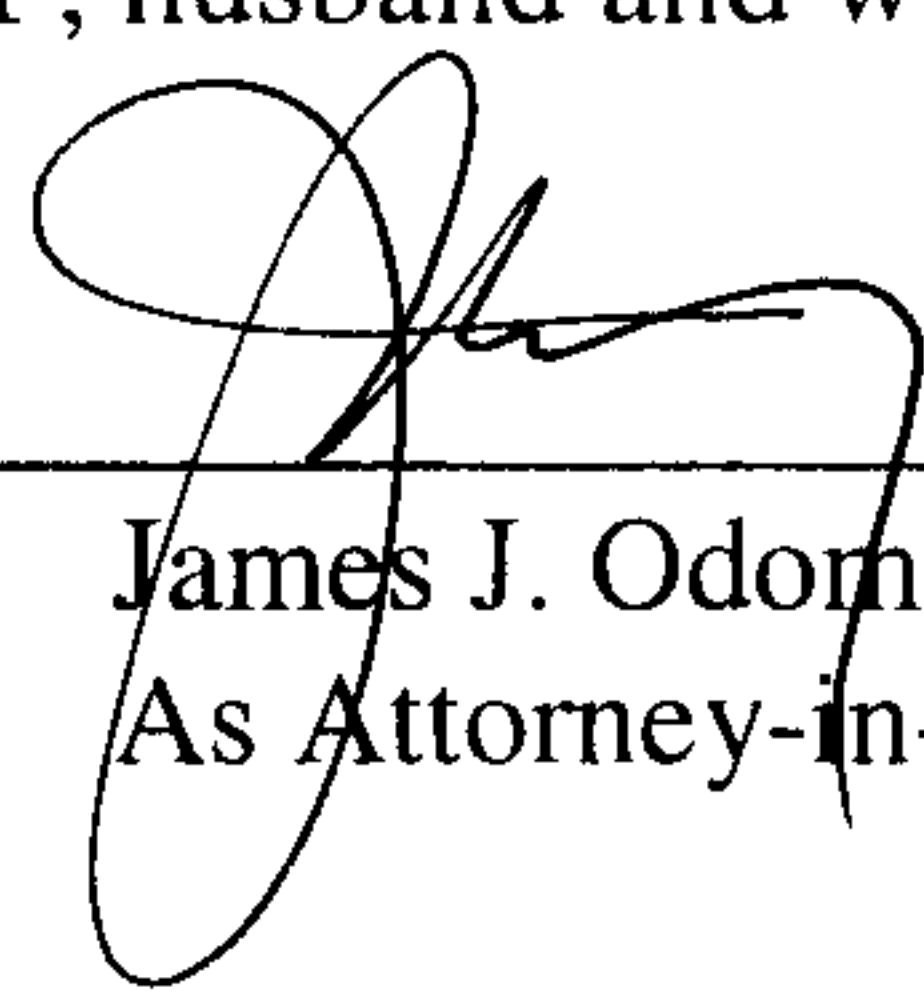


20091208000450230 2/2 \$15.00  
Shelby Cnty Judge of Probate, AL  
12/08/2009 10:46:33 AM FILED/CERT

IN WITNESS WHEREOF, the BRIEN LAWRENCE EARP and IRIS SUZANNE EARP, husband and wife, and SUPERIOR BANK, have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the day and year first above written.

BRIEN LAWRENCE EARP and IRIS SUZANNE EARP, husband and wife and SUPERIOR BANK

BY: \_\_\_\_\_

  
James J. Odom, Jr.  
As Attorney-in-Fact and Auctioneer

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that JAMES J. ODOM, JR. whose name as attorney-in-fact and auctioneer for BRIEN LAWRENCE EARP and IRIS SUZANNE EARP, husband and wife, and SUPERIOR 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 the conveyance, he, as such attorney-in-fact and auctioneer, executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 24<sup>th</sup> day of November, 2009.



Notary Public

My Commission Expires: 3/12/2011

THIS INSTRUMENT PREPARED BY:  
ROBERT J. WERMUTH  
STEPHENS, MILLIRONS, HARRISON & GAMMONS, P.C.  
P.O. BOX 307  
HUNTSVILLE, AL 35804

Grantees Address:  
Superior Bank  
c/o Cenlar FSB  
425 Phillips Blvd.  
Ewing, NJ 08628