


This Instrument Prepared by:  
Timothy D. Davis, Esq.  
Sirote & Permutt, P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35203  
(205) 930-5100

  
20091228000470750 1/2 \$464.00  
Shelby Cnty Judge of Probate, AL  
12/28/2009 02:39:19 PM FILED/CERT

Shelby County, AL 12/28/2009

State of Alabama

Deed Tax : \$450.00

**MORTGAGE FORECLOSURE DEED**

STATE OF ALABAMA       )  
                                  :  
SHELBY COUNTY         )

KNOW ALL MEN BY THESE PRESENTS: That New Horizon, LLC, an Alabama limited liability company ("Mortgagor") did on, to-wit, February 15, 2007, execute a Mortgage and Security Agreement in favor of First Commercial Bank, an Alabama banking corporation ("First Commercial Bank" or "Mortgagee"), which instrument was filed for record on February 21, 2007, in Document No. 20070221000079710, in the Office of the Judge of Probate of Shelby County, Alabama (the "Mortgage"); and

WHEREAS, default was made in the payment of the indebtedness secured by said Mortgage and said Mortgagee did declare all of the indebtedness secured by said Mortgage due and payable and did give due and proper notice of the foreclosure of said Mortgage, in accordance with the terms thereof, by publication in the *Shelby County Reporter*, a newspaper of general circulation published in Shelby County, Alabama, in its issues of November 25, 2009, December 2, 2009, and December 9, 2009; and

WHEREAS, on December 16, 2009, the day on which the foreclosure sale was due to be held under the terms of said notice, at 11:00 a.m., said foreclosure sale was duly and properly conducted, and Mortgagee did offer for sale and did sell at public outcry in front of the main entrance of the Shelby County, Alabama Courthouse in the City of Columbiana, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned Mortgage was the bid of McCullough Snappy Service Oil Co., Inc., a Delaware corporation, in the amount of One Million Eight Hundred Thousand and No/100 Dollars (\$1,800,000.00), and said property was thereupon sold to the said McCullough Snappy Service Oil Co., Inc.; and

WHEREAS, said Mortgage authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at said sale a deed to the property purchased.

NOW, THEREFORE, in consideration of the premises and the sum of One Million Eight Hundred Thousand and No/100 Dollars (\$1,800,000.00) in hand paid, the said Mortgagee, acting by and through J. Craig King, as Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, does hereby grant, bargain, sell and convey unto McCullough Snappy Service Oil Co., Inc., a Delaware corporation, all of its right, title and interest in and to the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 3B4 of Greystone Plaza, a Commercial Development, being a resurvey of Lot 3B as shown on the resurvey of Lot 3, Brook Highland Commercial No. 3, recorded in Map Book 26, page 41, as recorded in Map Book 36, page 106, in the Probate Office of Shelby County, Alabama.

Together with all rights, privileges, easements, tenements, interests, improvements, and appurtenances thereunto belonging and all fixtures now attached to and used in connection with the premises herein described.

TO HAVE AND TO HOLD the above-described property unto the said McCullough Snappy Service Oil Co., Inc., its successors and assigns, forever; subject, however to any and all prior liens and encumbrances, the rights of way, easements and restrictions of record in the Office of the Judge of Probate of Shelby County, Alabama, existing assessments, the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama, and any taxes which may be due.

IN WITNESS WHEREOF, the said Mortgagee has caused this instrument to be executed by J. Craig King, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said J. Craig King has executed this instrument in his capacity as such Auctioneer on the 16th day of December, 2009.

FIRST COMMERCIAL BANK  
Mortgagee or Transferee of Mortgagee

By: J. Craig King  
J. Craig King, as Auctioneer and the person conducting  
said sale for the Mortgagee or Transferee of Mortgagee

STATE OF ALABAMA            )  
  :  
COUNTY OF JEFFERSON        )

I, Timothy D. Davis, a Notary Public in and for said State and County, hereby certify that J. Craig King, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, 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 such Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority, executed said conveyance voluntarily on the day the same bears date.

Given under my hand and official seal this the 16th day of December, 2009.

(SEAL)

Timothy D. Davis  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

GRANTEE'S ADDRESS:

First Commercial Bank  
800 Shades Creek Parkway  
Birmingham, Alabama 35209  
Attention: Mike Carter

**MY COMMISSION EXPIRES FEBRUARY 14, 2011**