

**THIS INSTRUMENT PREPARED BY:**

**Eric T. Ray, Esq.  
BALCH & BINGHAM LLP  
Post Office Box 306  
Birmingham, Alabama 35201-0306**

**SEND TAX NOTICE TO:**

**Cadence Bank, N.A.  
Attn: Cindy Bush  
17 20th Street North, 6th Floor  
Birmingham, Alabama 35203**

**STATE OF ALABAMA        )  
                                      )  
SHELBY COUNTY            )**

**MORTGAGE FORECLOSURE DEED**

**KNOW ALL MEN BY THESE PRESENTS:** KEN UNDERWOOD PROPERTIES, LLC, did, to-wit, on the 27<sup>th</sup> day of December 2006, execute that certain Real Estate Mortgage to Superior Bank, a federal savings bank, which mortgage is recorded in Instrument 20061229000637080 in the Office of the Judge of Probate of Shelby County, Alabama; and

**WHEREAS,** default was made in the payment of the indebtedness secured by said mortgage and Cadence Bank, N.A., a national banking association ("Cadence Bank"), as successor by way of merger to Superior Bank, National Association, a national banking association, as purchaser and assignee from the Federal Deposit Insurance Corporation, as receiver of Superior Bank, a federal savings bank, pursuant to that certain Purchase and Assumption Agreement dated as of April 15, 2011, and as evidenced by that certain Assignment of Security Instruments and other Loan Documents recorded in Instrument 20110613000173700 in the Office of the Judge of Probate of Shelby County, Alabama, 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*, newspaper of general circulation published in Shelby County, Alabama, in its issues of June 6, 2012, June 13, 2012 and June 20, 2012; and

**WHEREAS,** on the 29<sup>th</sup> day of June 2012, 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 Cadence Bank did offer for sale and did sell at public outcry, in front of the courthouse door of the Shelby County Courthouse in Birmingham, Alabama, the property hereinafter described, to-wit:

**LOT 12, ACCORDING TO THE SURVEY OF A COMMERCIAL SUBDIVISION OF FOOTHILLS OF CHELSEA, 3<sup>RD</sup> SECTOR, AS RECORDED IN MAP BOOK 33, PAGE 82, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.**

**WHEREAS,** the highest and best bid obtained for the above-described property contained in the aforementioned mortgage was the bid of Cadence Bank in the amount of Eight Hundred Eighty Two Thousand and NO/100 Dollars (\$882,000.00), which sum was offered to be credited against the indebtedness secured by said mortgage, and said property was thereupon sold to Cadence Bank; and

**WHEREAS,** Eric T. Ray conducted said sale on behalf of Ken Underwood Properties, LLC and Cadence Bank; and

**WHEREAS,** said mortgage expressly authorized the person conducting the 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 bid of Eight Hundred Eighty Two Thousand and NO/100 Dollars (\$882,000.00), Ken Underwood Properties, LLC, acting by and through Cadence Bank, Mortgagee, by and through the said Eric T. Ray, as auctioneer and the person conducting



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Shelby Cnty Judge of Probate, AL  
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the sale on behalf of the Mortgagee, does hereby grant, bargain, sell and convey unto Cadence Bank, the following real estate situated in Shelby County, Alabama, to-wit:

LOT 12, ACCORDING TO THE SURVEY OF A COMMERCIAL SUBDIVISION OF FOOTHILLS OF CHELSEA, 3<sup>RD</sup> SECTOR, AS RECORDED IN MAP BOOK 33, PAGE 82, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

**TO HAVE AND TO HOLD THE** above-described property unto Cadence Bank, its successors and assigns forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem, and any taxes which may be due.

**IN WITNESS WHEREOF**, the said Cadence Bank has caused this instrument to be executed by Eric T. Ray, as auctioneer and the person conducting said sale for the Mortgagee, and in witness whereof the said Eric T. Ray has executed this instrument in his capacity as such auctioneer on June 29, 2012.

**[This Space Intentionally Left Blank]**

**[Signatures on the Following Page]**

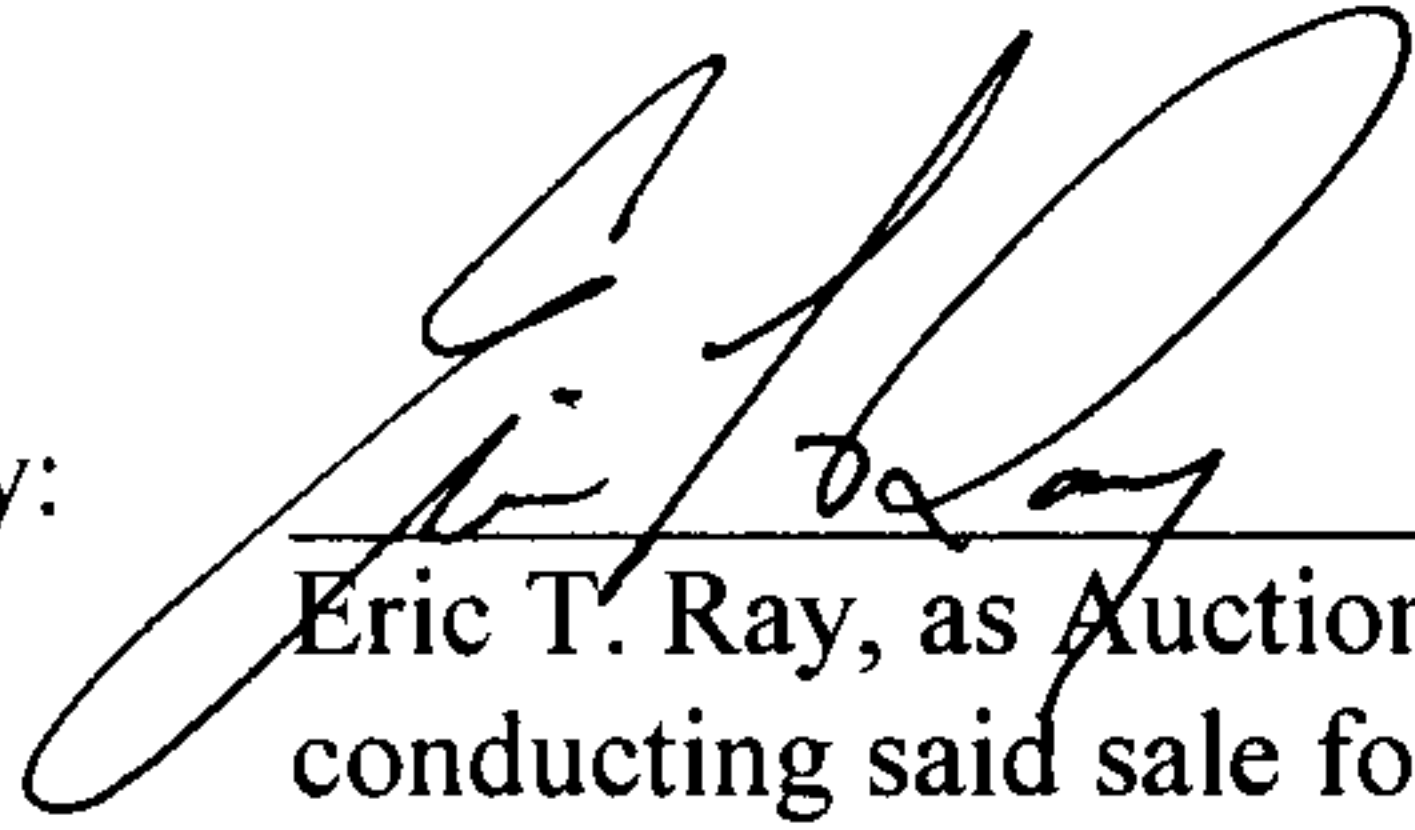


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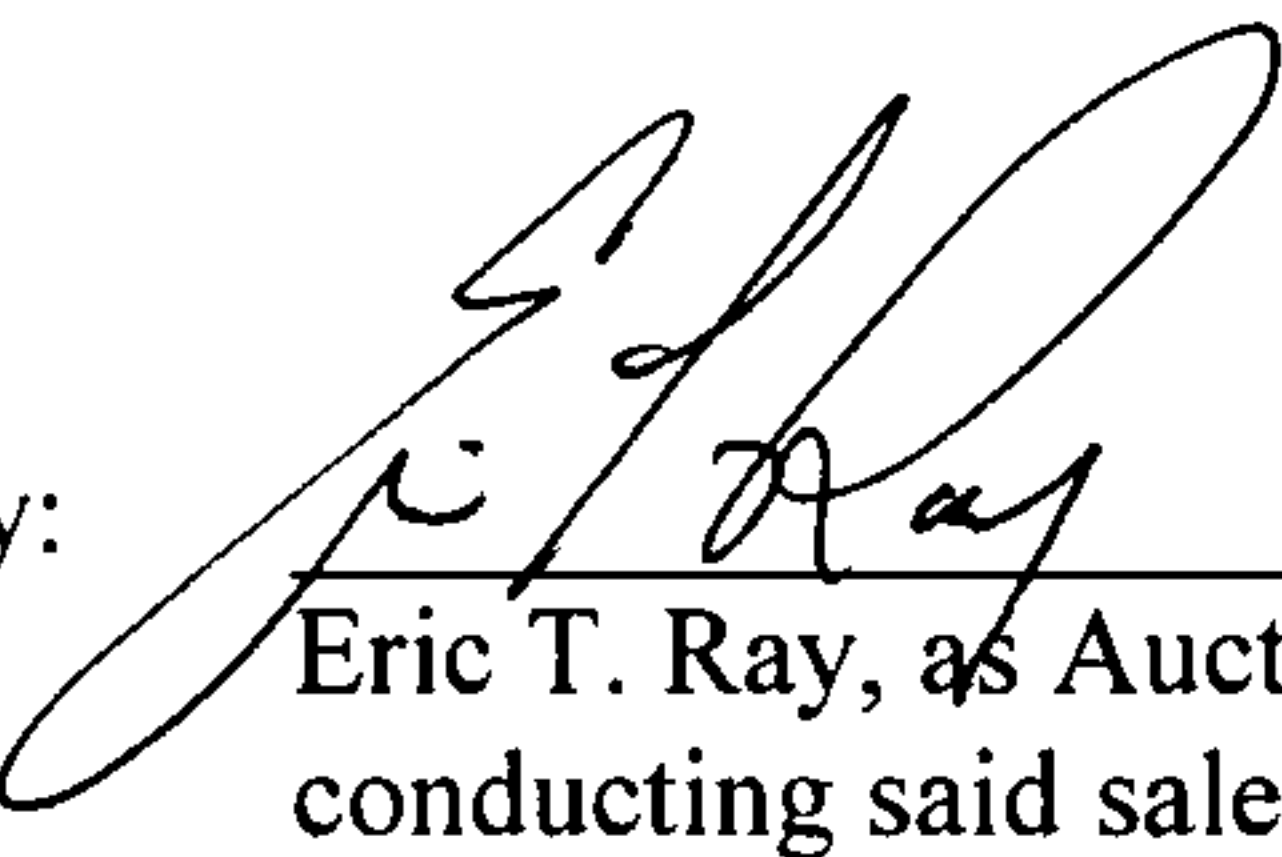


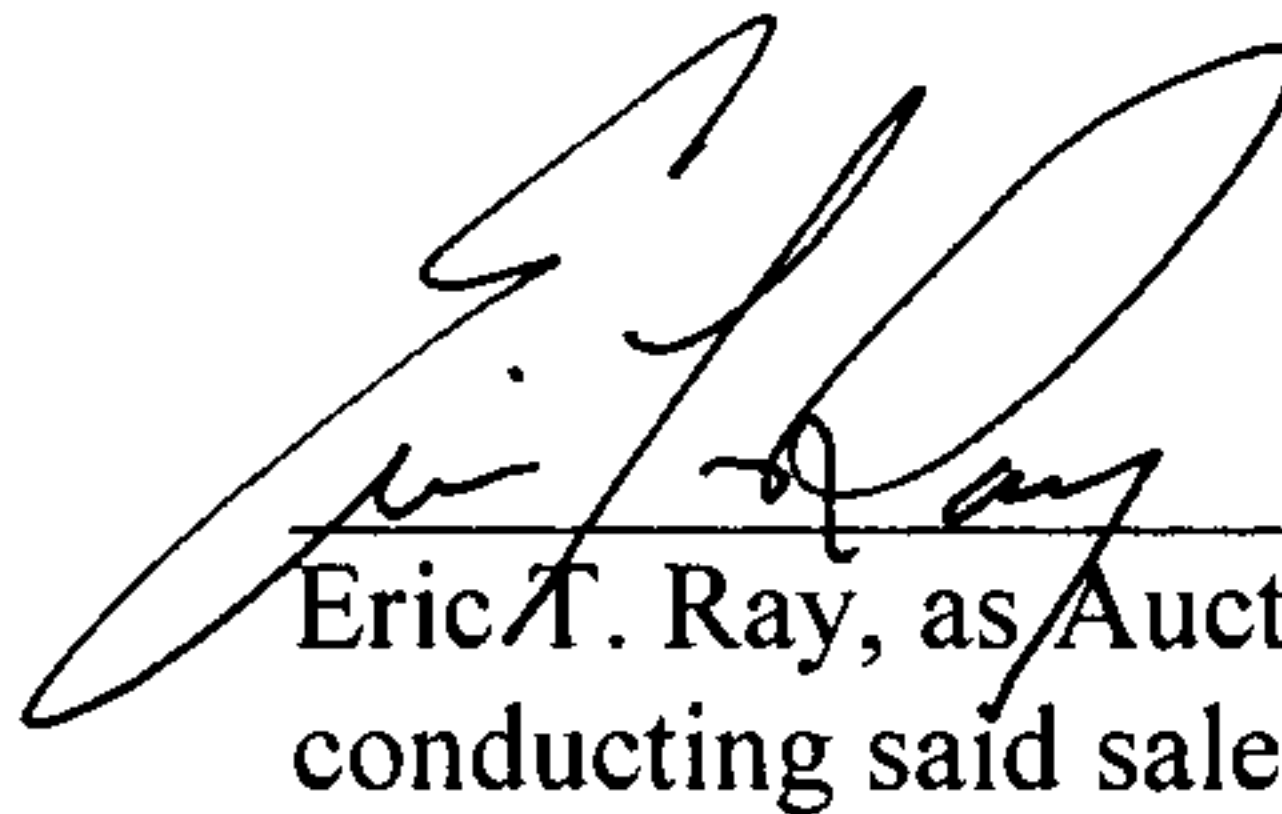
**KEN UNDERWOOD PROPERTIES, LLC, an Alabama corporation**

By: Cadence Bank, N.A.  
Mortgagee

By:   
Eric T. Ray, as Auctioneer and the person  
conducting said sale for the Mortgagee

**Cadence Bank, N.A., a national banking association  
Mortgagee**


By:   
Eric T. Ray, as Auctioneer and the person  
conducting said sale for the Mortgagee

  
Eric T. Ray, as Auctioneer and the person  
conducting said sale for the Mortgagee

STATE OF ALABAMA       )  
                                      )  
SHELBY COUNTY         )

I, the undersigned Notary Public in and for said County in said State, hereby certify that Eric T. Ray, whose name as Auctioneer and the person conducting said sale for the Mortgagee is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he, in his capacity as such Auctioneer and the person conducting said sale for the Mortgagee, and with full authority, executed this instrument voluntarily on the day that bears the same date.

Given under my hand this 29<sup>th</sup> day of June 2012.

  
Notary Public

My Commission Expires:

05/10/2016

[NOTARY SEAL]