

20080220000069490 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
02/20/2008 03:04:43PM FILED/CERT

This instrument prepared by:
R. Shan Paden
PADEN & PADEN, P. C.
5 Riverchase Ridge
Hoover, Alabama 35244

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS: That heretofore on, to-wit: the 29th day of September, 2006, Design Mark Builders, L.L.C., an Alabama limited liability company, (hereinafter referred to as the "Mortgagor", whether one or more), executed and delivered a mortgage in the amount of TWO HUNDRED SIXTEEN THOUSAND ONE HUNDRED SIXTY and NO/100 DOLLARS (\$216,160.00), on property hereinafter described to CADENCE BANK, N. A. which said mortgage is recorded as Instrument #20061012000506630, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, under the terms and provisions of said mortgage, the said Mortgagee was authorized and empowered in case of default in the payment of the indebtedness thereby secured, according to the terms thereof, to sell said real estate at public sale before the Shelby County Courthouse, in the City of Columbiana, Alabama, to the highest bidder for cash, after giving notice of the time, place and terms of said sale by advertisement in some newspaper published in said City by publication once a week for three (3) successive weeks prior to said sale, and said mortgage provided that in case of sale under the power and authority contained in same, the Mortgagee or any person conducting said sale for the Mortgagee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Mortgagee may bid at the sale and purchase said property if the highest bidder therefor; and

WHEREAS, Mortgagor did fail and default in the payment of the indebtedness described in and secured by said mortgage and said indebtedness did thereby become in default and said mortgage was therefore subject to foreclosure, and

WHEREAS, the said Mortgagee, upon default in the payment of the said indebtedness, did declare the entire indebtedness due and payable and elected to foreclose said mortgage, and

WHEREAS, Mortgagee did give said written notice as required by said mortgage and did thereafter advertise and give notice of the sale of said real estate under the terms and conditions of said mortgage by advertising notice of the time, place and terms of sale in the SHELBY COUNTY REPORTER, a newspaper of general circulation published in Shelby County, Alabama, said notice appearing in said newspaper once a week for three (3) successive weeks in its issues of November 14, 21, and 28, 2007, and which said notices, among other things, stated that said real estate, describing it, would be sold at public auction to the highest bidder for cash during the legal hours of sale on December 5, 2007, at the Shelby County Courthouse, 112 North Main Street, Columbiana, Alabama, and

WHEREAS, on the 5th day of December, 2007, within the legal hours of sale at the Shelby County Courthouse, in the City of Columbiana, Shelby County, Alabama, the day on which the foreclosure was due to be held under the terms of said notice, said real estate was offered for sale at public auction by R. Shan Paden who was and is the Attorney for Mortgagee and acted as auctioneer in conducting said sale, and at said sale was sold to CADENCE BANK, N. A. for the sum of ONE HUNDRED FORTY THOUSAND and 00/100 DOLLARS (\$140,000.00), which sum was offered to be credited on the indebtedness secured by said mortgage, said amount being the highest, best and last bid offered for said real estate, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that in consideration of the premises and the credit of ONE HUNDRED FORTY THOUSAND and 00/100 DOLLARS (\$140,000.00), CADENCE BANK, N. A., as Mortgagee, by and through R. Shan Paden, as

auctioneer conducting said sale, does hereby grant, bargain, sell and convey unto CADENCE BANK, N. A., the following-described real estate, situated in Shelby County, Alabama, to-wit:

Lot 15, according to the Survey of Mountain Lake, as recorded in Map Book 31,
Page 129, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above-described property unto CADENCE BANK, N. A. its successors and assigns forever, as fully and as completely as I could and ought to convey the same, as such attorney and auctioneer aforesaid, under and by virtue of the power of authority vested in me as such attorney and auctioneer by the terms of said mortgage, subject, however, to statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, the said CADENCE BANK, N. A., as Mortgagee, by R. Shan Paden, attorney and as auctioneer conducting said sale caused these presents to be executed on this the 5th day of December, 2007.

Design Mark Builders, L. L. C.
MORTGAGOR

By: CADENCE BANK
MORTGAGEE

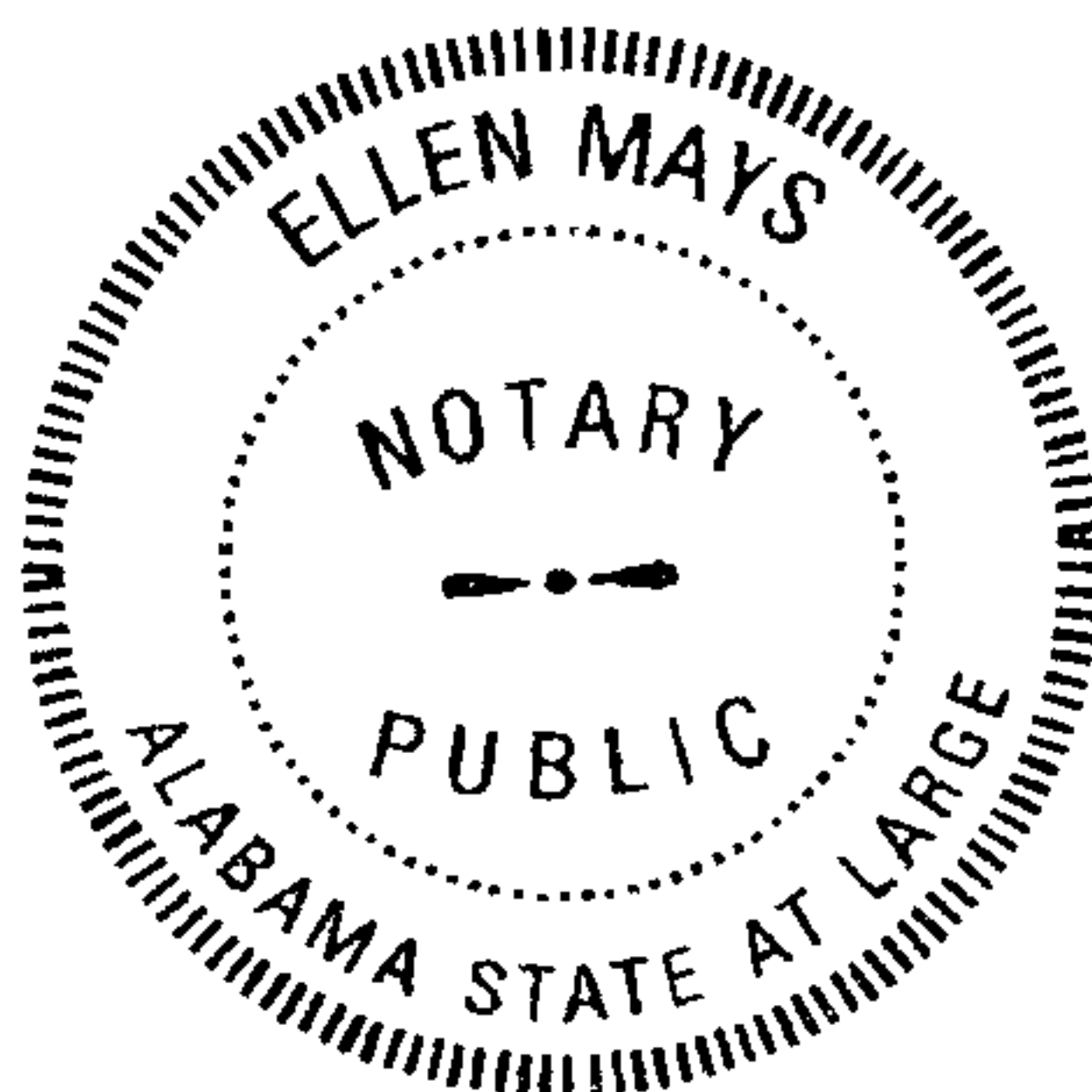
BY: 
R. Shan Paden, As Attorney and Auctioneer

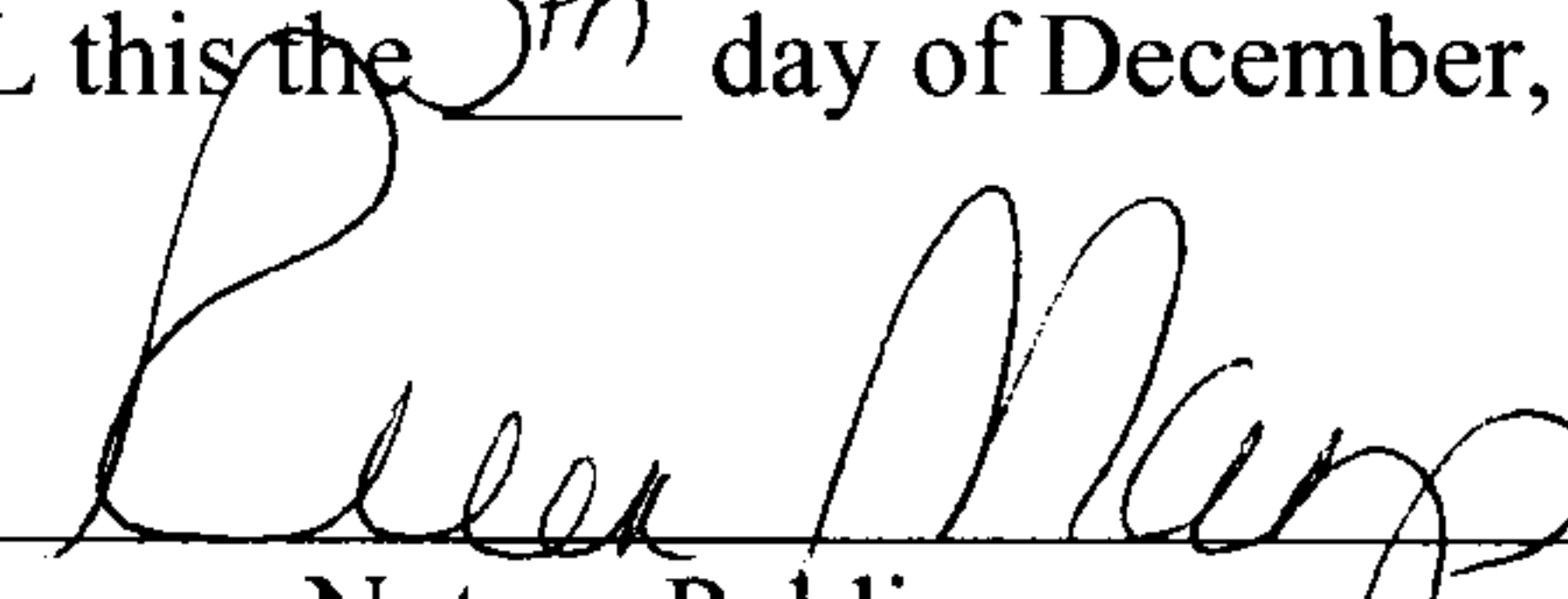
STATE OF ALABAMA)
)
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that R. Shan Paden, whose name as auctioneer and person conducting the sale described in the above and foregoing conveyance for the said CADENCE BANK, N. A., 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 person making the said sale, executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND AND SEAL this the 5th day of December, 2007.

(SEAL)




Notary Public
My commission expires: 12/20/08



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Exhibit A

Lot 15 according to the map or survey of Mountain Lake as recorded in Map Book 31, page 129, in the Probate Office of Shelby County, Alabama.