

This Instrument Prepared by:
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20081114000439630 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
11/14/2008 12:00:07PM FILED/CERT

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA)
 :
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That Lexington Parc Development LLC, an Alabama limited liability company ("Mortgagor") did on, to-wit, November 22, 2005, execute a Real Estate Mortgage in favor of Union State Bank, an Alabama banking corporation ("Union State Bank" or "Mortgagee"), which instrument was filed for record on December 2, 2005, in Instrument No. 20051202000623980 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 October 22, 2008, October 29, 2008, and November 5, 2008; and

WHEREAS, on November 14, 2008, 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 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 the Mortgagee in the amount of One Million Eight Hundred Thousand and No/100 Dollars (\$1,800,000.00), which sum the said Mortgagee offered to credit on the indebtedness secured by said Mortgage, and said property was thereupon sold to the said Mortgagee; and

WHEREAS, said Mortgage expressly authorized the Mortgagee to bid at the sale and purchase said property, if the highest bidder therefor, and 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 a credit of One Million Eight Hundred Thousand and No/100 Dollars (\$1,800,000.00) on the indebtedness secured by said Mortgage, the said Mortgagee, acting by and through Cheryl H. Oswalt, as Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, does hereby grant, bargain, sell and convey unto Union State Bank, an Alabama banking corporation, all of Mortgagee's right, title and interest in and to the following described real estate situated in Shelby County, Alabama, to-wit:

Begin at the SE corner of Section 2, Township 22 South, Range 3 West, Shelby County, Alabama; thence North 89 degrees 45 minutes 44 seconds West along the South line of said section for a distance of 2584.75 feet; thence North 01 degree 11 minutes 00 seconds West for a distance of 150.05 feet; thence North 01 degree 29 minutes 41 seconds West for a distance of 146.99 feet; thence South 89 degrees 37 minutes 41 seconds West for a distance of 303.02 feet to the easterly right of way line of Alabama Highway 119; thence North 04 degrees 46 minutes 20 seconds West along said right of way line for a distance of 499.91 feet; thence North 87 degrees 57 minutes 41 seconds East and leaving said right of way for a distance of 2000.46 feet; thence North 02 degrees 21 minutes 50 seconds West for a distance of 556.36 feet; thence North 87 degrees 43 minutes 59 seconds East for a distance of 900.18 feet; thence South 02 degrees 21 minutes 50 seconds East for a distance of 1467.31 feet to the POINT OF BEGINNING.

According to the survey of Rodney Shiflett, dated July 20, 1999.

LESS AND EXCEPT:

Commence at the Southeast corner of Section 2, Township 22 South, Range 3 West; thence run West along the South line of said Section 2 for 2333.78 feet; thence turn an angle to the right of 84 degrees 59 minutes 24 seconds and run North for 300.55 feet to the point of beginning; thence continue along the last described course for 415.40 feet; thence turn an angle to the left of 87 degrees 15 minutes 59 seconds and run West for 534.95 feet to a point on the East right of way Alabama Highway No. 119; thence turn an angle to the left of 92 degrees 44 minutes 01 seconds and run South along the East right of way for 399.80 feet; thence turn an angle to the left of 85 degrees 35 minutes 59 seconds and run East for 535.92 feet to the point of beginning.

According to the survey of Steven H. Gay, RLS#17522, dated January 9, 2002.

A portion of the above-described property being included in and now known as Lexington Parc, Sector 1, according to the Map of Lexington Parc, Sector 1, as recorded in Map Book 38, Page 81, in the Office of the Judge of Probate of Shelby County, Alabama.

ALL LESS AND EXCEPT:

Lots 3, 4, 152, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 183 and 184, according to the Map of Lexington Parc, Sector 1, as recorded in Map Book 38, Page 81, in the Office of the Judge of Probate 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 Union State Bank, 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 Cheryl H. Oswalt, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said Cheryl H. Oswalt has executed this instrument in her capacity as such Auctioneer on the 14th day of November, 2008.

UNION STATE BANK
Mortgagee or Transferee of Mortgagee

By: Cheryl H. Oswalt
Cheryl H. Oswalt, as Auctioneer and the person
conducting said sale for the Mortgagee or Transferee of
Mortgagee

STATE OF ALABAMA)
 :
COUNTY OF JEFFERSON)

I, Cynthia S. Bailey, a Notary Public in and for said State and County, hereby certify that Cheryl H. Oswalt, 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, she, in her 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 14th day of November, 2008.

(SEAL)

Cynthia S. Bailey
NOTARY PUBLIC
My Commission Expires: MY COMMISSION EXPIRES JANUARY 24, 2012

GRANTEE'S ADDRESS:
Union State Bank
3437 Lorna Road
Hoover, Alabama 35216