

THIS INSTRUMENT PREPARED BY:

Jeffrey T. Powell
Walston Wells & Birchall, LLP
1819 5th Avenue North, Suite 1100
Birmingham, AL 35203

SEND TAX NOTICES TO:

ServisFirst Bank
P.O. Box 1508
Birmingham, Alabama 35201-1508

STATE OF ALABAMA)
SHELBY COUNTY)



20090806000302340 1/5 \$24.00
Shelby Cnty Judge of Probate, AL
08/06/2009 12:21:13 PM FILED/CERT

DEED IN LIEU OF FORECLOSURE

KNOW ALL MEN BY THESE PRESENTS THAT in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **MB&C-KINSALE, LLC**, an Alabama limited liability company, (the “Grantor”), hereby grants, bargains, sells, and conveys to **SERVISFIRST BANK**, an Alabama banking corporation, (the “Grantee”), its successors and assigns, forever, the real property (together with all other property interests conveyed hereby, the “Property”) located in Shelby County, Alabama described on Exhibit A attached hereto and incorporated herein by this reference, together with any and all rights of redemption, statutory or equitable, of the Grantor with respect thereto. Grantor expressly makes this conveyance without reservation or retention of any rights of redemption, statutory or equitable, all of which are hereby waived and relinquished.

TO HAVE AND TO HOLD unto Grantee and the successors and assigns of Grantee, forever, together with all and singular the improvements, tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

This conveyance is made subject to the matters set forth on Exhibit B attached hereto and incorporated herein by this reference (the “Permitted Exceptions”).

Grantor, and the successors, legal representatives and assigns of Grantor, shall warrant and forever defend the right and title to the Property unto Grantee, and the successors, legal representatives and assigns of Grantee, against the claims of all persons whomsoever, claiming by, through or under Grantor, but not otherwise.

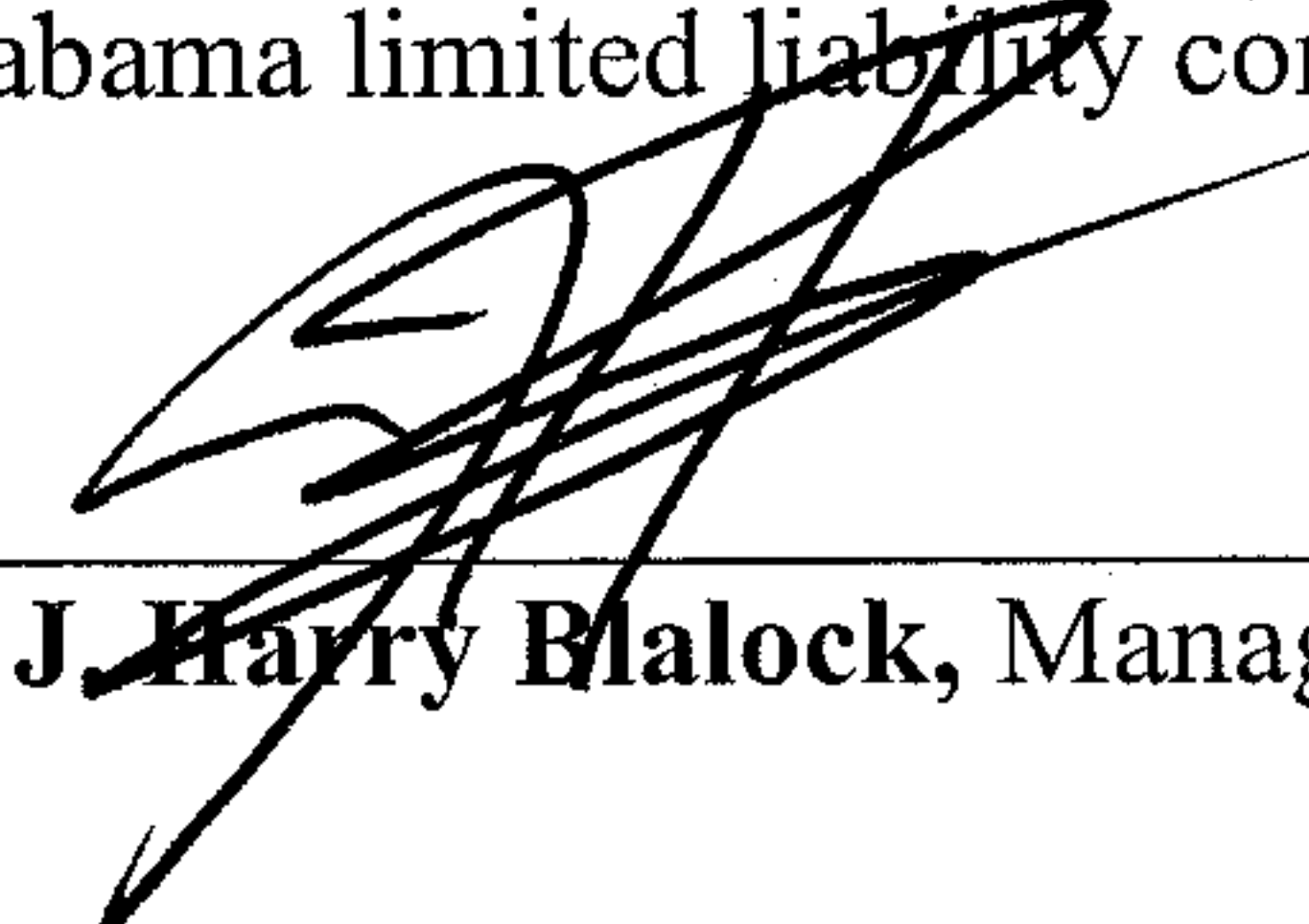
This conveyance is given in lieu of foreclosure but not in satisfaction of the mortgages held by Grantee against the Property. This conveyance is an absolute, present, unconditional and irrevocable conveyance of title, in effect as well as form, and is not intended to be a mortgage, deed of trust, or other conveyance to secure a debt. It is not intended that this deed operate to effect any merger of the fee or other interest of Grantee in the Property with Grantee’s right, title, and interest in and to the Property under the mortgages held by Grantee. It is specifically intended by Grantor and Grantee that Grantee’s right, title and interest in the Property under its mortgages shall survive the execution and delivery of this deed and remain in full force and effect, separate and apart from any other interest of Grantee in and to the Property, including without limitation the fee simple interest conveyed by this conveyance.



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IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the 30th
 day of July, 2009.


MB&C-KINSALE, LLC,
 An Alabama limited liability company

By: 
J. Harry Blalock, Manager

STATE OF ALABAMA)
 JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that J. Harry Blalock, as Manager of MB&C-Kinsale, LLC, an Alabama limited liability company, 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 said instrument, he, as such representative and with full authority, executed the same voluntarily for and as the act of MB&C-Kinsale, LLC.

Given under my hand and official seal this the 30th day of July, 2009.


 Signature of Notary Public

Duncan Samuel Cook
 (Print Notary Name)

My Commission Expires: 10 March 2013

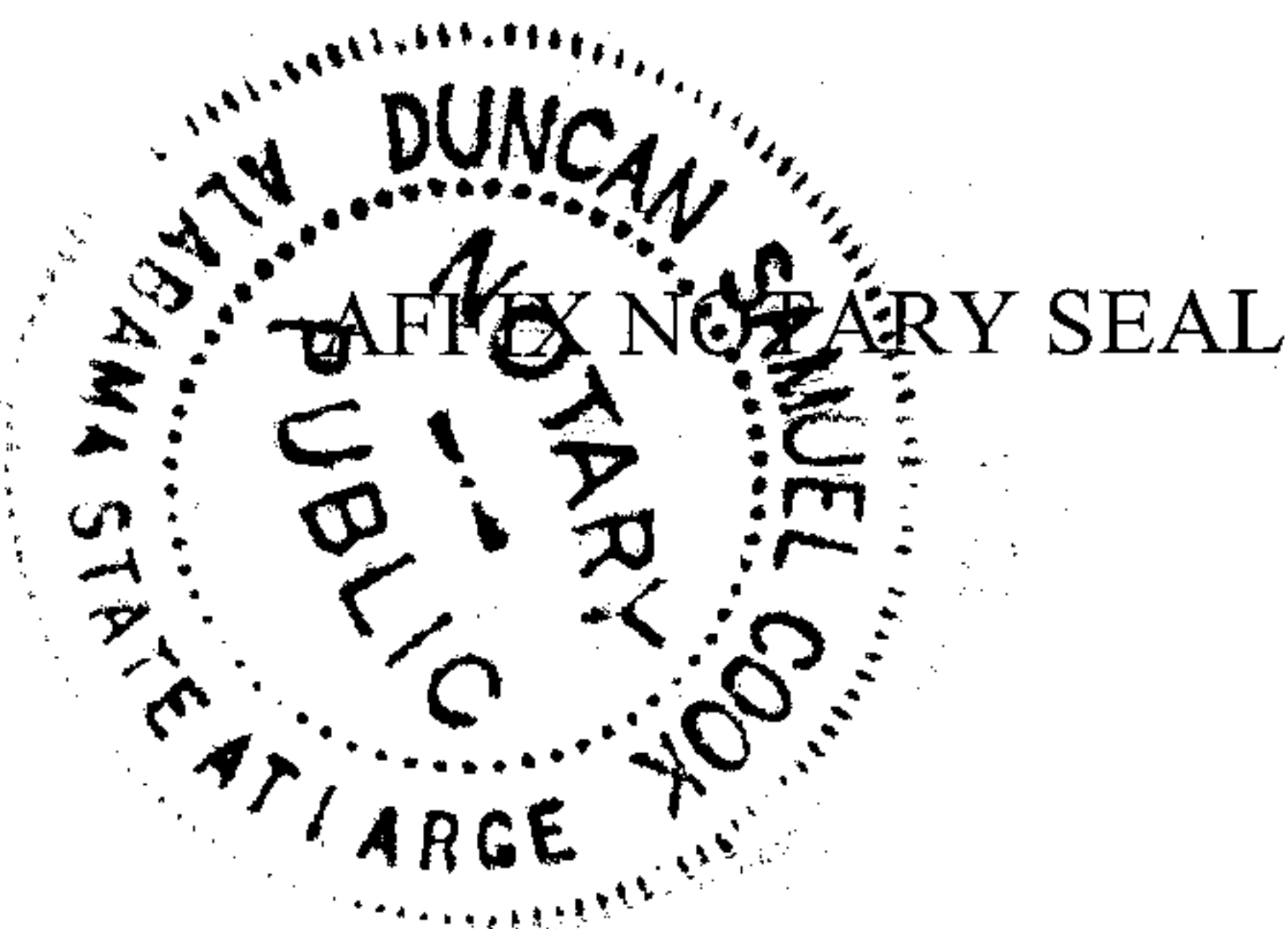



EXHIBIT "A"


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Lots 13, 16, 20, 21, 22, 50, 51, 52, 53, 54, 55 and 56, according to the Survey of Kinsale Gardens Homes 2nd Sector, as recorded in Map Book 36, Page 22, in the Probate Office of Shelby County, Alabama.

Lot 38, according to the Survey of Kinsale Gardens Homes 1st Sector, as recorded in Map Book 35, Page 49, in the Probate Office of Shelby County, Alabama.

EXHIBIT B

(Permitted Exceptions)

1. Mortgage dated 12/7/2005, from MB&C-Kinsale LLC to ServisFirst Bank, in the original principal amount of \$151,170.00, filed for record 12/16/2005, recorded in Instrument 20051216000651590, in the Probate Office of Shelby County, Alabama. (Lots 52, 53, 54, 55 and 56)
2. Mortgage dated 12/7/2005, from MB&C-Kinsale, LLC to ServisFirst Bank, in the original principal amount of \$126,007.50, filed for record 12/16/2005, recorded in Instrument 20051216000651580, in the Probate Office of Shelby County, Alabama. (Lots 21 & 22)
3. Mortgage dated 12/7/2005, from MB&C-Kinsale, LLC to ServisFirst Bank, in the original principal amount of \$176,332.50, filed for record 12/16/2005, recorded in Instrument 20051216000651570, modified in Instrument 20070409000161810, in the Probate Office of Shelby County, Alabama. (Lots 16 & 20)
4. Mortgage dated 2/8/2006, from MB&C-Kinsale, LLC to ServisFirst Bank, in the original principal amount of \$132,000.00, filed for record 3/9/2006, recorded in Instrument 20060309000110820, in the Probate Office of Shelby County, Alabama. (Lot 50)
5. Future Advance Mortgage dated 5/2/2007, from MB&C-Kinsale, LLC to ServisFirst Bank, in the original principal amount of \$148,720.00, filed for record 5/21/2007, recorded in Instrument 20070521000233550 in the Probate Office of Shelby County, Alabama. (Lot 51)
6. Mortgage dated 4/12/2006, from MB&C-Kinsale, LLC to ServisFirst Bank, in the original principal amount of \$132,000.00, filed for record 5/31/2006, recorded in Instrument 20060531000256870, in the Probate Office of Shelby County, Alabama. (Lot 13)
7. Mortgage dated 6/29/2005, from MB&C-Kinsale, LLC to ServisFirst Bank, in the original principal amount of \$132,000.00, filed for record 7/29/2005, recorded in Instrument 20050729000382730, modified in Instrument 20060809000385400, in the Probate Office of Shelby County, Alabama. (Lot 38)
8. All taxes for the year 2008 and subsequent years.
9. Any lien arising due to non-payment of utility services.
10. Building line(s) as shown by recorded map.
11. Easement(s) as shown by recorded map.
12. Restrictions with easements appearing of record in Instrument 20050803000393800, in the Probate Office of Shelby County, Alabama. (Lots 13, 16, 20, 21, 22, 50, 51, 52, 53, 54, 55 and 56)



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13. Restrictions appearing of record in Instrument 20041008000557170, in the Probate Office of Shelby County, Alabama.

14. Right of Way granted to Alabama Power Company by instrument recorded in Instrument 20050203000056380 in the Probate Office of Shelby County, Alabama.