


# FORECLOSURE DEED

  
20091001000372820 1/3 \$18.00  
Shelby Cnty Judge of Probate, AL  
10/01/2009 12:42:37 PM FILED/CERT  
  
Shelby County, AL 10/01/2009  
  
State of Alabama  
Deed Tax : \$.00

STATE OF ALABAMA     )  
                                  )  
SHELBY COUNTY         )

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on to-wit: August 29, 2007, Ken Underwood Classic Homes, Inc., as Mortgagor, executed a certain mortgage ("Mortgage") to SouthPoint Bank, Inc., said Mortgage being recorded in Instrument No. 20070914000432090 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 SouthPoint Bank, Inc. did thereafter file suit in the Circuit Court of Shelby County, Alabama, Civil Action Number CV 2008 1093 and obtained a Final Judgment for foreclosure. SouthPoint Bank, Inc. did thereafter give due and proper notice of the foreclosure in accordance with the Judgment for foreclosure and the Mortgage and did give due and proper notice of the foreclosure of said Mortgage, by U.S. Mail and by publication in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, in its issues of August 26, 2009, September 2, 2009, September 9, 2009 and Notice of Postponement on September 23, 2009; and

WHEREAS, on October 1, 2009, 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 SouthPoint Bank, Inc. did offer for sale and sell at public outcry, in front of the Courthouse door, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the Mortgage was the bid of **SouthPoint Bank, Inc.**, in the amount of **\$98,000.00**, which sum was offered to be credited on the indebtedness secured by the Mortgage, and said property was thereupon sold to **SouthPoint Bank, Inc.**, as purchaser; and

WHEREAS, Richard C. Duell III was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for SouthPoint Bank, Inc.; and

WHEREAS, the terms of the Mortgage expressly authorized the person conducting said sale to execute to the purchaser at said sale a deed to the property so purchased; and

WHEREAS, **SouthPoint Bank, Inc.**, was the highest bidder and best bidder in the amount of **Ninety Eight Thousand Dollars and no/100 (\$98,000.00)** which sum said SouthPoint Bank, Inc. offered to credit on the indebtedness owed pursuant to the Final Judgment. SouthPoint Bank, Inc. by virtue of the authority vested in it by said Final Judgment and Mortgage does hereby grant, bargain, sell and convey unto **SouthPoint Bank, Inc.**, all of the right, title and interest of the parties, in accordance with the terms and provisions of the Final Judgment and the Mortgage in and to the following described property situated in Shelby County, Alabama, to-wit:



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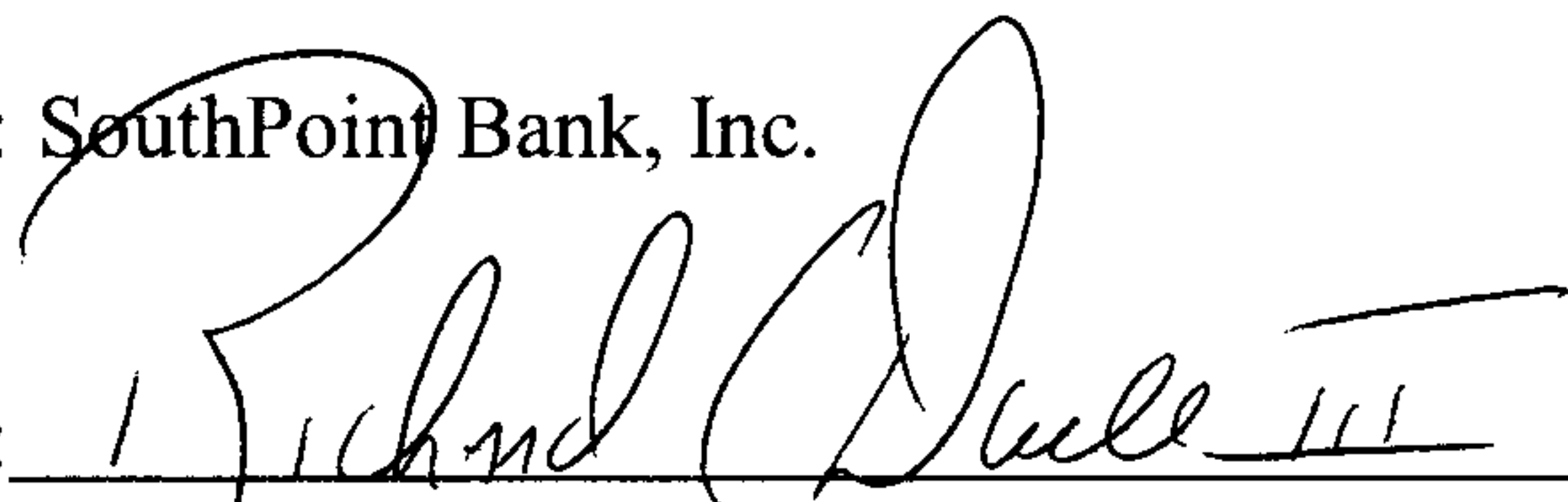
LOT 124, ACCORDING TO THE SURVEY OF SHELBY FARMS SUBDIVISION, AS  
RECORDED IN MAP BOOK 38, PAGE 149, IN THE PROBATE OFFICE OF  
SHELBY COUNTY, ALABAMA.

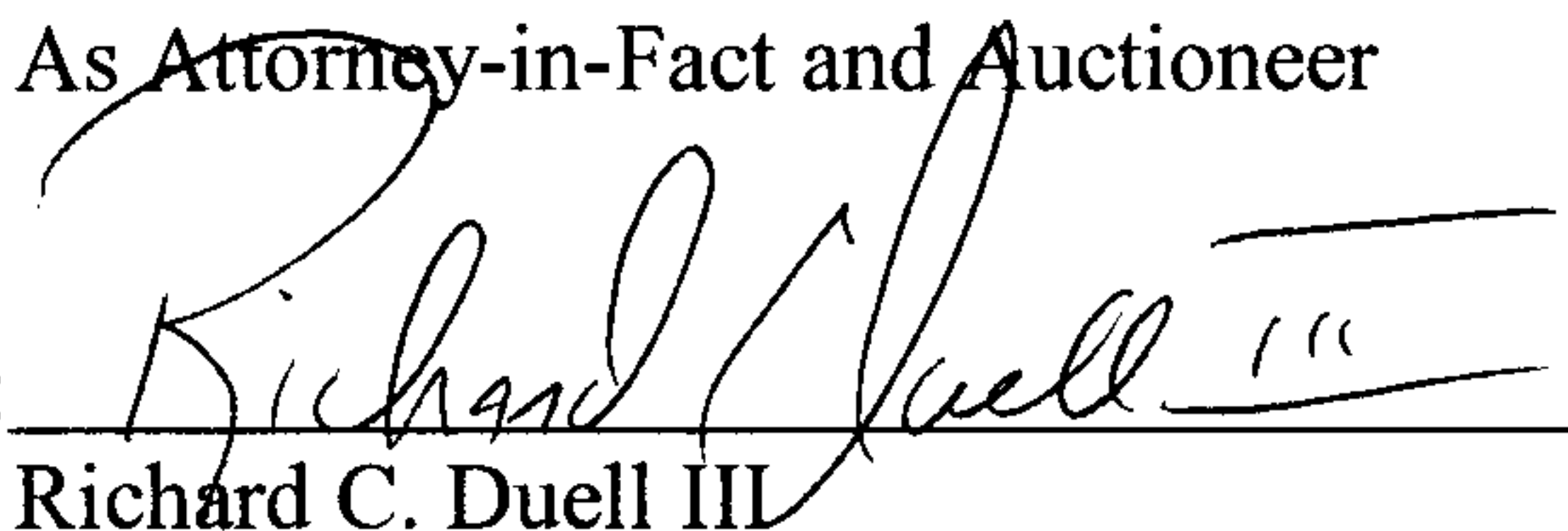
TO HAVE AND TO HOLD, the above described property unto **SouthPoint Bank, Inc.**,  
its successors and assigns; subject, however, to any statutory right of redemption on the part of  
those entitled to redeem as provided by the laws of the State of Alabama.

IN WITNESS WHEREOF, SouthPoint Bank, Inc., has caused this instrument to be  
executed by and through Richard C. Duell III, as attorney-in-fact and as auctioneer conducting  
said sale and as attorney-in-fact for SouthPoint Bank, Inc., and said Richard C. Duell III has  
hereto set his hand and seal on this 1<sup>st</sup> day of October, 2009.

By: Ken Underwood Classic Homes, Inc.

By: SouthPoint Bank, Inc.

By:   
Richard C. Duell III  
As Attorney-in-Fact and Auctioneer

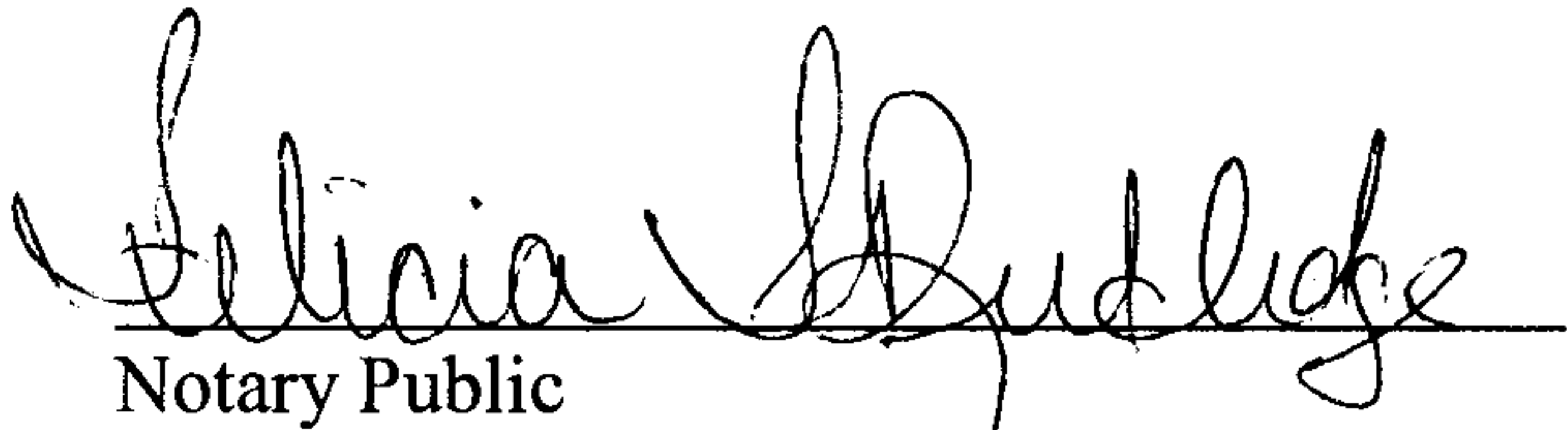
By:   
Richard C. Duell III  
As Auctioneer Conducting Said Sale

STATE OF ALABAMA     )  
                                  )  
SHELBY COUNTY         )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Richard C. Duell III, whose name as auctioneer and attorney-in-fact and the person conducting said sale for SouthPoint Bank, Inc., 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 this conveyance, he, in his capacity as such auctioneer and attorney-in-fact and the person conducting said sale for SouthPoint Bank, Inc., and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said SouthPoint Bank, Inc.

Given under my hand and official seal this the 1<sup>st</sup> day of October, 2009.

[NOTARY SEAL]

  
Notary Public

My Commission Expires: 4-21-2010

THIS INSTRUMENT PREPARED BY:

Richard C. Duell, III, Esq.  
Duell Law Firm, LLC  
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Birmingham, AL 35242  
205-408-3025