



20091005000377160 1/4 \$21.00
Shelby Cnty Judge of Probate, AL
10/05/2009 02:33:38 PM FILED/CERT

THIS INSTRUMENT PREPARED BY:

**Damon P. Denney
Burr & Forman LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203
(205) 251-3000**

Send Tax Notices to:

Regions Bank
Attention Bill Beard
1901 6th Avenue North, 19th Floor
Birmingham, Alabama 35203

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA)
)
SHELBY COUNTY)

KNOW ALL PERSONS BY THESE PRESENTS:

Midnight Properties, LLC, an Alabama limited liability corporation, ("Midnight Properties") executed a mortgage to Regions Bank ("Regions") recorded in the Office of the Judge of Probate of Shelby County, Alabama, on December 4, 2003, as Instrument Number 20031204000787350 (the "Mortgage"). Regions is the present holder of the Mortgage.

Midnight Properties defaulted in the payment of the indebtedness secured by the Mortgage and Regions then declared all of the indebtedness secured by the Mortgage due and payable. In accordance with applicable law, Regions gave due and proper notice of the foreclosure of the Mortgage by publication in the *Shelby County Reporter*, a newspaper of general circulation published in Shelby County, Alabama in its issues of September 16, 2009, September 23, 2009, and September 30, 2009.

On October 5, 2009, during the legal hours of sale (the day and time on which the foreclosure sale was due to be held under the terms of said notice), Regions duly and properly conducted the foreclosure sale and offered for sale and sold at public outcry, at the main entrance of the Shelby County Courthouse in the City of Columbiana, Alabama, the real property hereinafter described (the "Property").

No cash bids were obtained for the Property at the foreclosure sale.

Regions bid a credit of One Million Fifty-four Thousand Six Hundred Seventy-six Dollars (\$1,054,676.00) on the indebtedness secured by the Mortgage and the Property was sold to Regions.

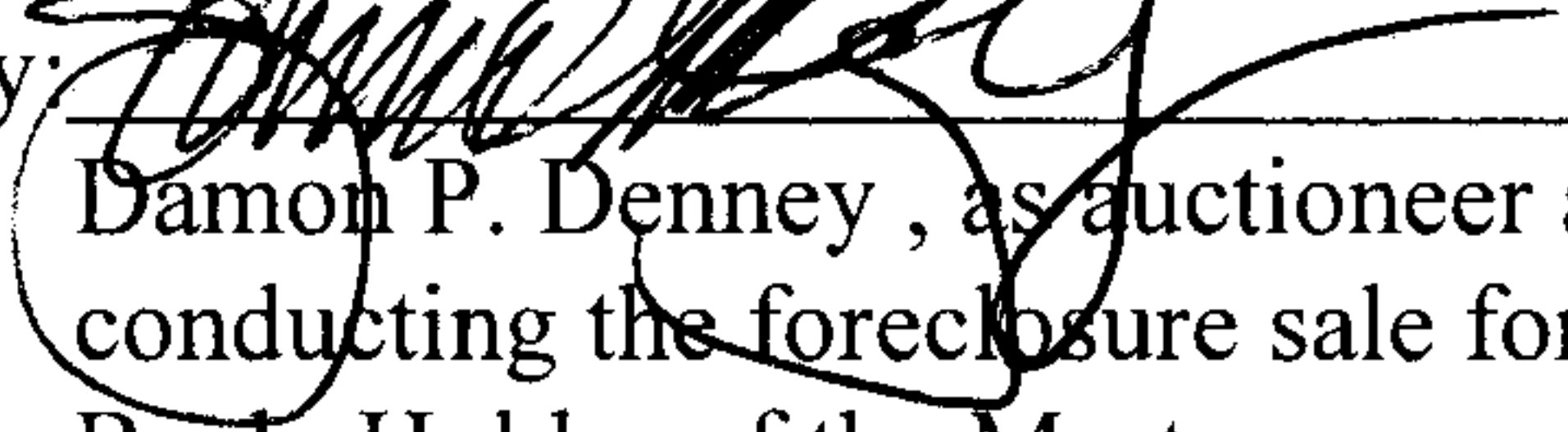
THEREFORE, in consideration of a credit One Million Fifty-four Thousand Six Hundred Seventy-six Dollars (\$1,054,676.00) on the indebtedness secured by the Mortgage, Midnight Properties, acting by and through Damon P. Denney , the auctioneer and the person conducting the foreclosure sale for Regions, and Regions, by Damon P. Denney , as the auctioneer and the person conducting the foreclosure sale for Regions, do hereby transfer and convey unto Regions, subject to any unpaid real property ad valorem taxes, the Property described on Exhibit "A" attached hereto;

TO HAVE AND TO HOLD the Property unto Regions, forever.

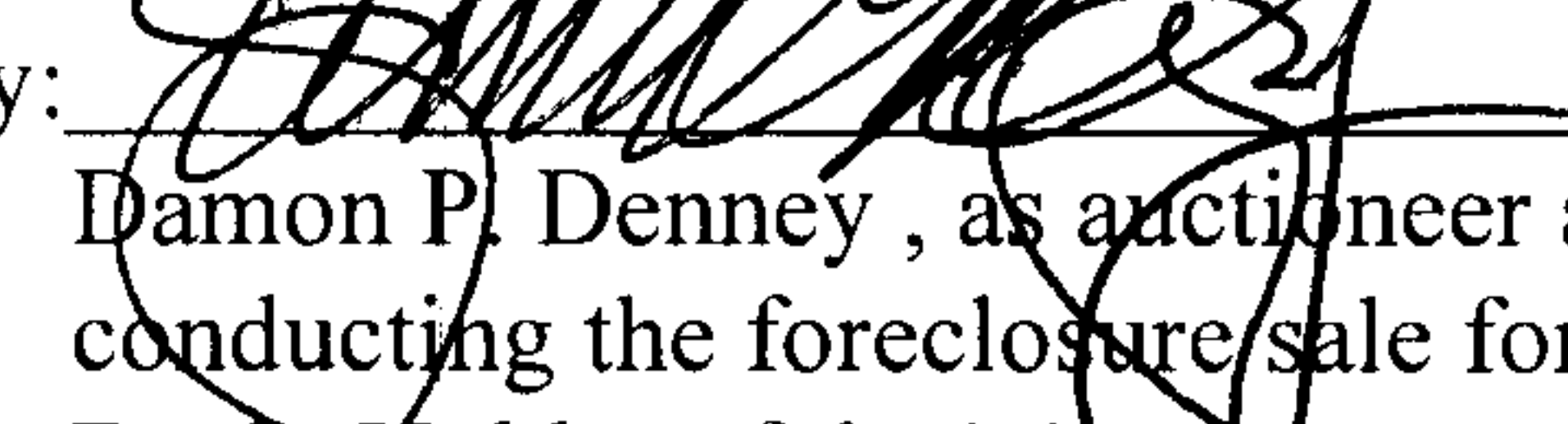
IN WITNESS WHEREOF, Regions has caused this instrument to be executed by Damon P. Denney , as the auctioneer and the person conducting the foreclosure sale for Regions and in witness whereof Damon P. Denney has executed this instrument in his capacity as such auctioneer on this 5th day of October, 2009.

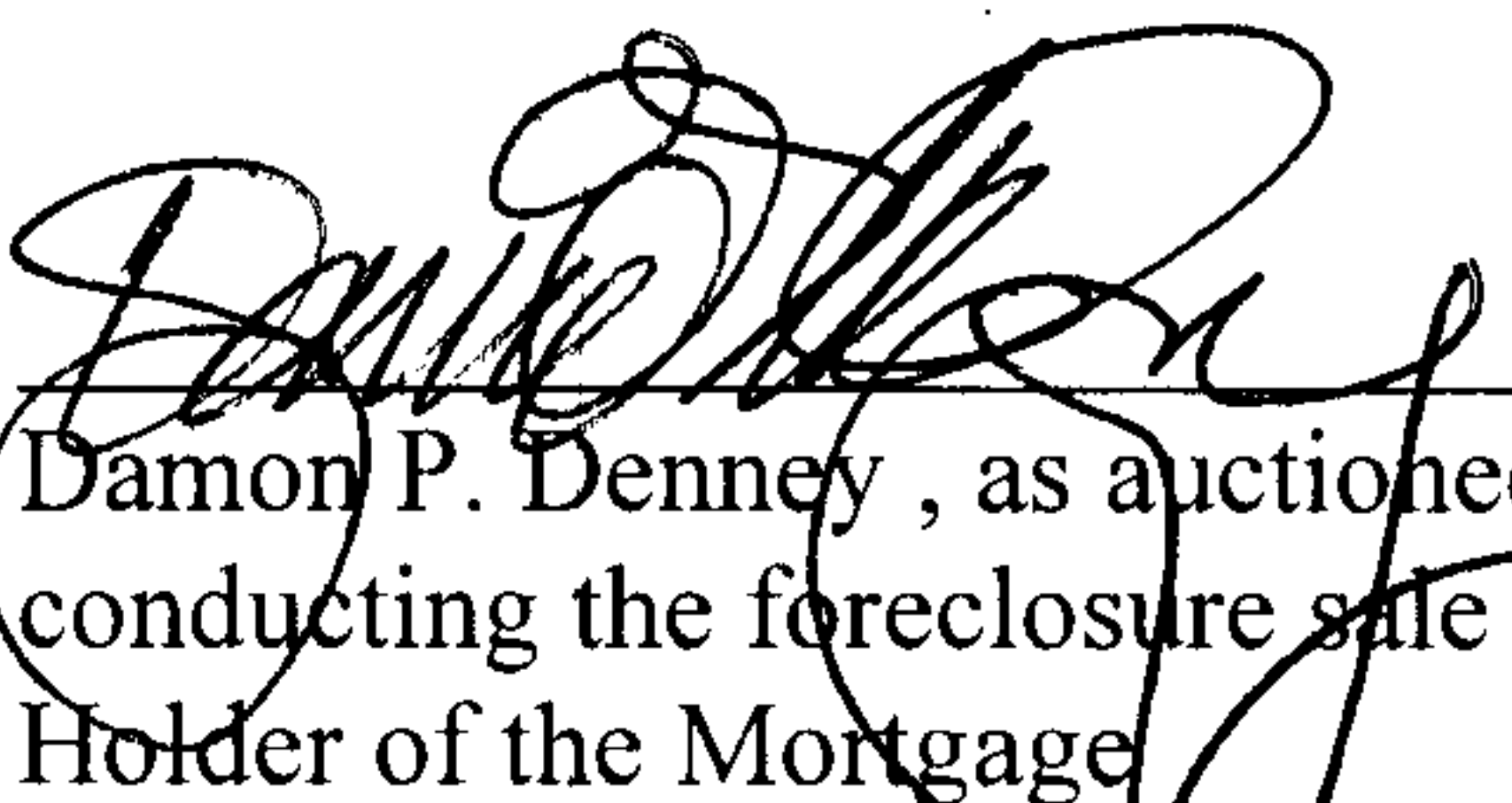
MIDNIGHT PROPERTIES, LLC

By: REGIONS BANK, HOLDER OF THE MORTGAGE

By: 
Damon P. Denney , as auctioneer and the person
conducting the foreclosure sale for Regions
Bank, Holder of the Mortgage

REGIONS BANK, HOLDER OF THE MORTGAGE

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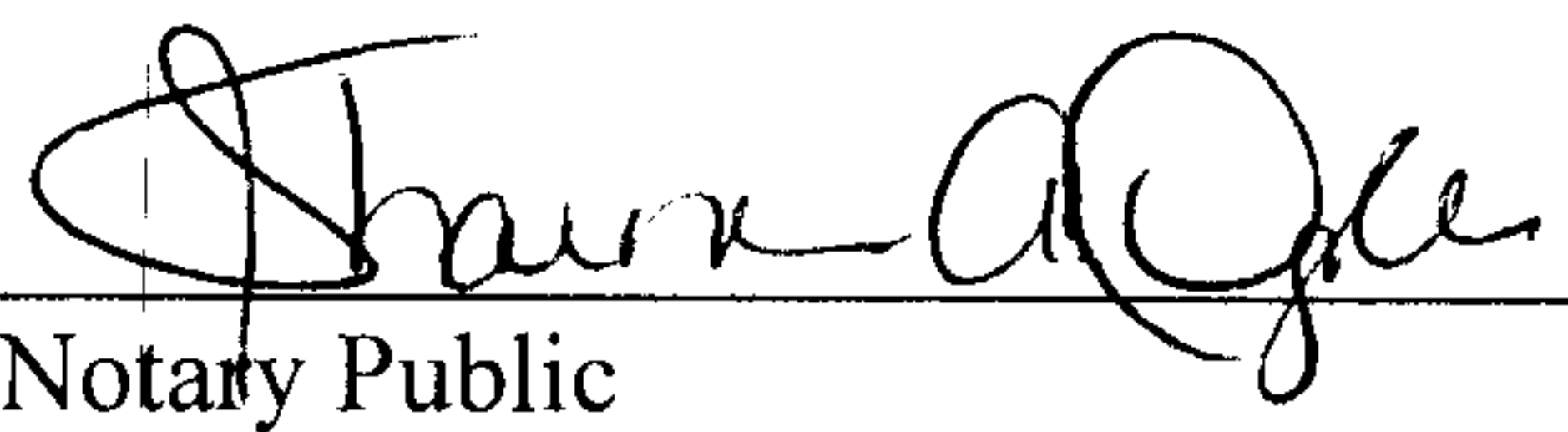

Damon P. Denney , as auctioneer and the person
conducting the foreclosure sale for Regions Bank,
Holder of the Mortgage

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Damon P. Denney , whose name as auctioneer and the person conducting the foreclosure sale for Regions Bank, 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 with full authority, executed this instrument voluntarily on the day the same bears date.

Given under my hand and official seal this the 5th day of October, 2009.



Notary Public

My Commission Expires 10-15-2011
My commission expires: _____
(SEAL)

RETURN INSTRUMENT TO PREPARER

Exhibit "A"

The Property


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A part of the North 1/2 of the NE 1/4, SW 1/4 of the NE 1/4 and East 1/2 of NW 1/4 of Section 11, Township 22 South, Range 3 West, being more particularly described as follows:

Beginning at the Northeast corner of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama, and run thence South 00 deg. 01 min. 35 sec. West along the East line of said 1/4 1/4 section a distance of 913.89 feet to a found capped rebar corner; thence run South 79 deg. 39 min. 59 sec. West a distance of 1,327.75 feet to a found capped rebar corner; thence run South 62 deg. 38 min. 45 sec. West a distance of 254.66 feet to a set rebar corner; thence run South 65 deg. 08 min. 18 sec. West a distance of 106.17 feet to a set rebar corner; thence run South 65 deg. 08 min. 17 sec. West a distance of 163.29 feet to a set rebar corner; thence run South 69 deg. 36 min. 37 sec. West a distance of 259.20 feet to a found capped rebar corner; thence run North 57 min. 56 min. 45 sec. West a distance of 922.84 feet to a found capped rebar corner; thence run North 67 deg. 27 min. 08 sec. West a distance of 257.18 feet to a found capped rebar corner on the Easterly margin of Alex Mill Road, a chert surfaced public road in a curve to the left having a central angle of 10 deg. 46 min. 43 sec. and a radius of 400.05 feet; thence run Northerly along the arc of said road an arc distance of 75.26 feet to the P. O. R. C. of a curve to the right having a central angle of 10 deg. 35 min. 42 sec. and a radius of 780.00 feet; thence run Northerly along the arc of said curve an arc distance of 144.24 feet to the P. T. of said curves; thence run North 09 deg. 59 min. 25 sec. East along the same said Easterly margin of same said Alex Mill Road a distance of 421.12 feet to the intersection of the Easterly right of way of Alex Mill Road with the easterly right of way of Alabama Highway No. 119 on a curve to the right having a central angle of 10 deg. 53 min. 52 sec. and a radius of 1,574.14 feet; thence run northerly along the arc of said curve an arc distance of 300.16 feet to the P. T. of said curve and a set rebar corner; thence run a tangent distance along said Easterly right of way of said Highway 119 on a bearing of North 06 deg. 03 min. 05 sec. East a distance of 70.29 feet to a found capped rebar corner; thence run South 88 deg. 18 min. 10 sec. East a distance of 297.09 feet to a set rebar corner; thence run South 87 deg. 42 min. 12 sec. East a distance of 2,586.51 feet to the point of beginning, being situated in Shelby County, Alabama.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTIES:

Lots 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 112, 113, 114, 115, 116, 117, 118, 119, 120, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186 and 187, Common Area A and Common Area B, according to the map of Heritage Trace, Phase 1, Sector 1, as recorded in Map Book 34 page 114 in the Probate Office of Shelby County, Alabama.

Lots 79, 80, 81, 82, 83, 109, 110 and 111, according to the survey of Heritage Trace, Phase 1, Sector 2, as recorded in Map Book 35 Page 81 in the Probate Office of Shelby County, Alabama.

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 according to the survey of Heritage Trace, Phase 2 as recorded in Map Book 36 Page 71 in the Probate Office of Shelby County, Alabama.

Lots 167, 168, 169, and 170 according to the Survey of Heritage Trace, Phase 3 as recorded in Map Book 39, Page 17 in the Probate Office of Shelby County, Alabama.

Lot 1 according to the map of Alex Mill Farms as recorded in Map Book 35 Page 80 in the Probate Office of Shelby County, Alabama.

ALSO KNOWN AS:

A part of the North 1/2 of the NE 1/4, SW 1/4 of the NE 1/4 and East 1/2 of NW 1/4 of Section 11, Township 22 South, Range 3 West, being more particularly described as follows:

Beginning at the Northeast corner of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama, and run thence South 00 deg. 01 min. 35 sec. West along the East line of said 1/4 1/4 section a distance of 913.89 feet to a found capped rebar corner; thence run South 79 deg. 39 min. 59 sec. West a distance of 1,327.75 feet to a found capped rebar corner; thence run South 62 deg. 38 min. 45 sec. West a distance of 254.66 feet to a set rebar corner; thence run South 65 deg. 08 min. 18 sec. West a distance of 106.17 feet to a set rebar corner; thence run South 65 deg. 08 min. 17 sec. West a distance of 163.29 feet to a set rebar corner; thence run South 69 deg. 36 min. 37 sec. West a distance of 259.20 feet to a found capped rebar corner; thence run North 57 deg. 56 min. 45 sec. West a distance of 922.84 feet to a found capped rebar corner; thence run North 67 deg. 27 min. 08 sec. West a distance of 257.18 feet to a found capped rebar corner on the Easterly margin of Alex Mill Road, a chert surfaced public road in a curve to the left having a central angle of 10 deg. 46 min. 43 sec. and a radius of 400.05 feet; thence run Northerly along the arc of said road an arc distance of 75.26 feet to the P. O. R. C. of a curve to the right having a central angle of 10 deg. 35 min. 42 sec. and a radius of 780.00 feet; thence run Northerly along the arc of said curve an arc distance of 144.24 feet to the P. T. of said curves; thence run North 09 deg. 59 min. 25 sec. East along the same said Easterly margin of same said Alex Mill Road a distance of 421.12 feet to the intersection of the Easterly right of way of Alex Mill Road with the easterly right of way of Alabama Highway No. 119 on a curve to the right having a central angle of 10 deg. 53 min. 52 sec. and a radius of 1,574.14 feet; thence run northerly along the arc of said curve an arc distance of 300.16 feet to the P. T. of said curve and a set rebar corner; thence run a tangent distance along said Easterly right of way of said Highway 119 on a bearing of North 06 deg. 03 min. 05 sec. East a distance of 70.29 feet to a found capped rebar corner; thence run South 88 deg. 18 min. 10 sec. East a distance of 297.09 feet to a set rebar corner; thence run South 87 deg. 42 min. 12 sec. East a distance of 2,586.51 feet to the point of beginning, being situated in Shelby County, Alabama.

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Lots 79, 80, 81, 82, 83, 109, 110 and 111, according to the survey of Heritage Trace, Phase 1, Sector 2, as recorded in Map Book 35 Page 81 in the Probate Office of Shelby County, Alabama.

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 according to the survey of Heritage Trace, Phase 2 as recorded in Map Book 36 Page 71 in the Probate Office of Shelby County, Alabama.

Lots 167, 168, 169, and 170 according to the Survey of Heritage Trace, Phase 3 as recorded in Map Book 39, Page 17 in the Probate Office of Shelby County, Alabama.

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