

THIS INSTRUMENT PREPARED BY:

Jerry C. Oldshue, Jr.  
ROSEN HARWOOD, P.A.  
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Tuscaloosa, AL 35403  
(205) 344-5000

STATE OF ALABAMA           \*  
   \*  
COUNTY OF SHELBY        \*

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That, whereas: On the 18<sup>th</sup> day of October 2008, JOHN P. HARDY, a single man, executed a certain mortgage on the property hereinafter described to VANDERBILT MORTGAGE AND FINANCE, INC., which said mortgage is recorded in Instrument #20080454900 in the office of the Probate Judge of Shelby County, Alabama; and

WHEREAS, in and by said mortgage the 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 property before the Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving notice of the time, place and terms of said sale in some newspaper published in said City by publication once a week for three (3) consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, 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 therefore; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said VANDERBILT MORTGAGE AND FINANCE, INC., did declare all of the indebtedness secured by said mortgage due and payable and said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in *The Birmingham News*, a newspaper of general circulation in Shelby County, Alabama, in its issues of February 19, February 26 and March 5, 2010; and

WHEREAS, on March 25, 2010, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, the foreclosure was duly and properly



conducted, and VANDERBILT MORTGAGE AND FINANCE, INC., did offer for sale and sell at public outcry in front of the main entrance of the Courthouse in Columbiana, Alabama, the property hereinafter described; and

WHEREAS, FRAN CLARK was the Auctioneer who conducted said foreclosure sale and was the person conducting said sale for the said VANDERBILT MORTGAGE AND FINANCE, INC.; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of VANDERBILT MORTGAGE AND FINANCE, INC., in the amount of Nineteen Thousand Eight Hundred and 00/100 (\$19,800.00) Dollars, which sum of money VANDERBILT MORTGAGE AND FINANCE, INC., offered to credit on the indebtedness secured by said mortgage and said property was thereupon sold to VANDERBILT MORTGAGE AND FINANCE, INC.

NOW THEREFORE, in consideration of the premises and of a credit in the amount of Nineteen Thousand Eight Hundred and 00/100 (\$19,800.00) Dollars, on the indebtedness secured by said mortgage, the said VANDERBILT MORTGAGE AND FINANCE, INC., by and through FRAN CLARK, as Auctioneer conducting said sale as attorney in fact for VANDERBILT MORTGAGE AND FINANCE, INC., and the said FRAN CLARK, as the Auctioneer conducting said sale, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said VANDERBILT MORTGAGE AND FINANCE, INC., the following described real property situated in Shelby County, Alabama, to wit:

Commence at the SE corner of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 25, Township 20 South, Range 1 East, thence run North along the East line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section a distance of 355.25 feet; thence turn an angle of 92 deg. 11 min. 45 sec. to the left and run a distance of 340.24 feet; thence turn an angle of 54 deg. 20 min. 35 sec. to the right and run a distance of 309 feet to the Point of Beginning; thence continue last named course for a distance of 210 feet; thence turn left an angle of 97 deg. 06 min. 35 sec. for a distance of 211.11 feet, to a point on the NE right of way of Shelby County Highway #61; thence turn left an angle of 82 deg. 53 min. 25 sec. and run Southeasterly along said right of way 210 feet; thence turn left an angle of 97 deg. 06 min. 35 sec. and run a distance of 211.11 feet to the Point of Beginning.

All my undivided right, title and interest in and to the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 25, Township 20 South, Range 1 East, Shelby County, Alabama, described as follows:

Commence at the Northeast corner of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 25, Township 20 South, Range 1 East, Shelby County, Alabama and run thence Westerly along the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  a distance of 620.43 feet to a point; thence turn an angle of 90 deg. 04 min. 45 sec. right and run Southerly a distance of 282.10 feet to the point of beginning of the Tract being described; thence continue along last described course a distance of 77.89 feet to a point; thence turn an angle of 89 deg. 55 min. 15 sec. to the left and run Easterly along the South line of the Burk property a



distance of 290.50 feet to a point; thence turn an angle of 89 deg. 55 min. 15 sec. to the right and run Southerly a distance of 170.08 feet to a point; thence turn an angle of 31 deg. 09 min. 07 sec. to the right and run Southwesterly a distance of 308.18 feet to a point; thence turn an angle of 14 deg. 37 min. 38 sec. to the right and continue Southwesterly a distance of 211.11 feet to a point on the East right of way line of Shelby County Highway #61; thence turn an angle of 97 deg. 06 min. 35 sec. to the right and run Northwesterly along said right of way line a distance of 115.0 feet to a point; thence turn an angle of 82 deg. 40 min. 05 sec. to the right and run Northeasterly a distance of 211.11 feet to a point; thence turn an angle of 83 deg. 06 min. 25 sec. to the left and run Northwesterly a distance of 210.0 feet to a point; thence turn an angle of 97 deg. 19 min. 55 sec. to the left and run Southwesterly a distance of 209.59 feet to a point on the same said East right of way line of Shelby County Highway #61; thence turn an angle of 97 deg. 22 min. 06 sec. to the right and run Northwesterly along said right of way line of Highway 61 a distance of 134.83 feet to a point on the Southerly right of way line of a future proposed street; thence turn an angle of 82 deg. 49 min. 49 sec. to the right and run Northeasterly along said future right of way line of said future street a distance of 418.60 feet to the point of beginning, containing 3.13 acres and subject to all agreements, easements and/or restrictions of probated record.

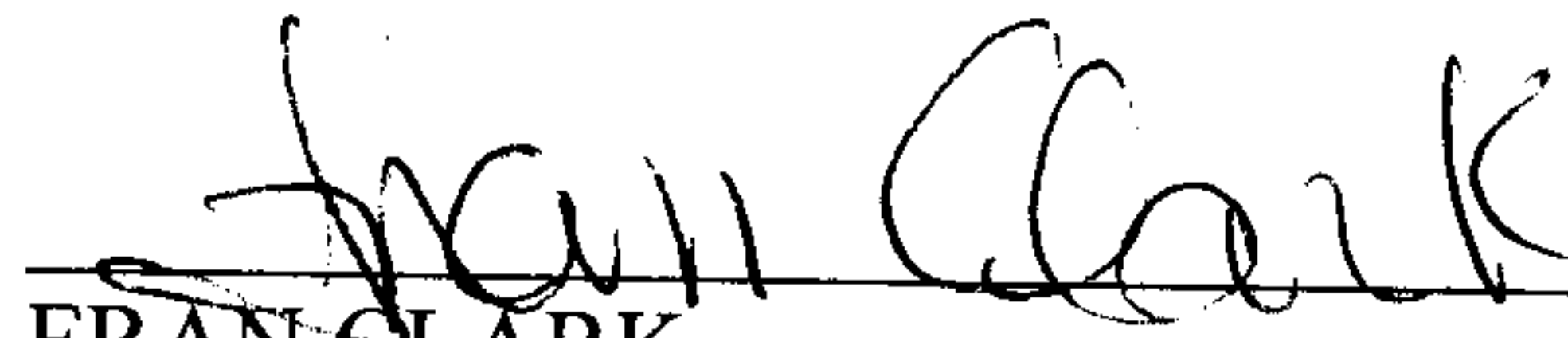
LESS AND EXCEPT the following described parcel:

A parcel in the Northeast Quarter of the Southwest Quarter of Section 25, Township 20 South, Range 1 East in Shelby County, Alabama, and being more particularly described as follows: Commence at the Northeast corner of said Quarter-Quarter Section and run Westerly along the North line of said Quarter-Quarter Section for 620.43 feet to a point; thence turn a deflection angle of 89° 55' 15" to the left and run in a Southerly direction for 288.79 feet to a 5/8" rebar set at the Point of Beginning; thence continue on last stated course and run in a Southerly direction for 77.89 feet to a 5/8" rebar set; thence turn a deflection angle of 91° 41' 25" to the left and run in an Easterly direction for 170.08 feet to a 5/8" rebar set; thence turn a deflection angle of 135° 44' 10" to the right and run in a Southwesterly direction for 294.83 feet to a 5/8" rebar set; thence turn a deflection angle of 97° 10' 10" to the right and run in a Northwesterly direction for 38.38 feet to a 5/8" rebar set; thence turn a deflection angle of 97° 06' 35" to the left and run in a Southwesterly direction for 211.11 feet to a 5/8" rebar set on the Northeasterly right-of-way of Shelby County Highway #61 (80' right-of-way); thence turn a deflection angle of 97° 06' 35" to the right and run in a Northwesterly direction along said right-of-way for 135.83 feet to an existing 1/2" rebar; thence turn a deflection angle of 82° 49' 50" to the right and run in a Northeasterly direction of 418.60 feet to the Point of Beginning. The above containing 1.5 acres more or less.

INCLUDING a security interest in one (1) 2008 CMH Ardmore 924 AR manufactured home, Serial No. CLA056951TN.

TO HAVE AND TO HOLD the above described property unto VANDERBILT MORTGAGE AND FINANCE, INC., its successors and assigns forever; subject, however, to any easements, encumbrances, liens and exceptions reflected in the records of the office of the Probate Judge, and to the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama. This property is conveyed "AS IS, WHERE IS" without warranty or recourse, expressed or implied, as to title or use and enjoyment.


IN WITNESS WHEREOF, VANDERBILT MORTGAGE AND FINANCE, INC., has caused this instrument to be executed by and through FRAN CLARK, as Auctioneer conducting said sale, who has hereunto set her hand and seal on this the 25th day of March 2010.

  
FRAN CLARK  
Auctioneer and Attorney in Fact

STATE OF ALABAMA                   \*  
   \*  
COUNTY OF CULLMAN            \*

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that FRAN CLARK, whose name as Auctioneer and Attorney in Fact for VANDERBILT MORTGAGE AND FINANCE, 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 the conveyance, she, in her capacity as said Auctioneer and Attorney in Fact, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 25th day of March 2010.

  
Notary Public

My Commission Expires:

**MY COMMISSION EXPIRES 07-27-2011**

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SEND ALL TAX NOTICES TO:

VANDERBILT MORTGAGE AND FINANCE, INC.  
P.O. Box 9800  
Maryville, TN 37802