

THIS INSTRUMENT PREPARED BY:

Thomas G. Amason III
Balch & Bingham LLP
Post Office Box 306
Birmingham, Alabama 35201

SEND TAX NOTICE TO:

Amy Satsky
Compass Bank
8333 Douglas Avenue, Suite 820
Dallas, Texas 75225

STATE OF ALABAMA)
)
SHELBY COUNTY)

DEED IN LIEU OF FORECLOSURE

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, HPH Properties, LLC (the "Grantor"), is the owner and record title holder of all that real property situated in Shelby County, Alabama, and more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Grantor has heretofore executed and delivered to Compass Bank ("Grantee") that certain mortgage covering the Property (i) dated June 21, 2007, recorded as instrument number 20091210000454450 in the Office of the Judge of Probate of Shelby County, Alabama (as amended, the "Mortgage"); and


WHEREAS, the Grantor has agreed to convey the Property to Compass Bank (the "Grantee"), pursuant to Alabama Code §§ 35-10-50, *et seq.* (1975), in consideration of a credit by the Grantee to the Grantor from and against the indebtedness secured by the Mortgage; and

WHEREAS, the Grantor and the Grantee have mutually agreed upon the credit and the Grantor acknowledges that such credit and other considerations given to the Grantor by the Grantee are fair, equitable, beneficial and to the best interest of the Grantor.

NOW, THEREFORE, in consideration of the premises and of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee Compass Bank, the Property and all improvements situated thereon in Shelby County, Alabama, and more particularly described in **Exhibit "A"** attached hereto and made a part hereof together with any and all rights of redemption, statutory or equitable, of the Grantor with respect thereto. The Grantor expressly makes this conveyance without reservation or retention of any rights of redemption, statutory or equitable.

TO HAVE AND TO HOLD to Compass Bank, its successors and assigns, in fee simple forever.

This Deed in Lieu of Foreclosure in accordance with Alabama Code §§ 35-10-50, *et seq.* (1975), (1) transfers to the Grantee all right, title and interest of the Grantor in the Property, including but not limited to all rights of redemption, statutory or equitable; (2) does not effect a foreclosure of the Mortgage covering the Property; (3) does not give rise to a statutory right of redemption in the Grantor or any other person; (4) does not result in a merger of the Grantee's rights with the Grantor's equity of redemption for any purpose; and (5) does not effect the rights or interest of any person or entity other than the Grantor in the Property.


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Shelby Cnty Judge of Probate, AL
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IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument and set its hand and seal hereunto, all on this 6th day of September, 2010.

HPH PROPERTIES, LLC

By: _____

Its: President

STATE OF ALABAMA)
)
Shelby COUNTY)

I, the undersigned notary public in and for said county in said state, hereby certify that P. David Bonamy, whose name as President for HPH Properties, LLC 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 the instrument, he, as such President and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand this the 7 day of September, 2010.

Notary Public: Putnam J. Indrakand
My commission expires: 6/10/2014

[NOTARY SEAL]

EXHIBIT "A"
Deed in Lieu of Foreclosure
Legal Description

Lots 133 and 134, according to the Final Plat for Bent River – Phase IV, as recorded in Map Book 41, Page 64 A & B, in the Probate Office of Shelby County, Alabama.



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