

This Instrument Prepared by:
Timothy D. Davis, Esq.
Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35203
(205) 930-5132


20101015000344910 1/4 \$22.00
Shelby Cnty Judge of Probate, AL
10/15/2010 12:11:45 PM FILED/CERT

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA)
 :
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That Gardenview Estates, LLC, an Alabama limited liability company ("Mortgagor") did on, to-wit, June 23, 2006, execute a Mortgage and Security Agreement in favor of Frontier Bank, a Georgia banking corporation ("Frontier Bank" or "Mortgagee"), which instrument was filed for record on June 23, 2006, in Document No.20060623000303900 in the Office of the Judge of Probate of Shelby County, Alabama (the "Mortgage"); and

WHEREAS, default was made in the payment of the indebtedness secured by said Mortgage and said Mortgagee did declare all of the indebtedness secured by said Mortgage due and payable and did give due and proper notice of the foreclosure of said Mortgage, in accordance with the terms thereof, by publication in the *Shelby County Reporter*, a newspaper published in Shelby County, Alabama, in its issues of September 22, 2010, September 29, 2010, and October 6, 2010; and

WHEREAS, on October 15, 2010, 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 Mortgagee did offer for sale and did sell at public outcry in front of the main entrance of the Shelby County, Alabama Courthouse in the City of Columbiana, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned Mortgage was the bid of the Mortgagee in the amount of One Million One Hundred Forty-Five Thousand Five Hundred Fifty and No/100 Dollars (\$1,145,550.00), which sum the said Mortgagee offered to credit on the indebtedness secured by said Mortgage, and said property was thereupon sold to the said Mortgagee; and

WHEREAS, said Mortgage expressly authorized the Mortgagee to bid at the sale and purchase said property, if the highest bidder therefor, and authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at said sale a deed to the property purchased.

NOW, THEREFORE, in consideration of the premises and a credit of One Million One Hundred Forty-Five Thousand Five Hundred Fifty and No/100 Dollars (\$1,145,550.00) on the indebtedness secured by said Mortgage, the said Mortgagee, acting by and through Cheryl H. Oswalt, as Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, does hereby grant, bargain, sell and convey unto Frontier Bank, a Georgia banking corporation, the following described real estate situated in Shelby County, Alabama, to-wit:



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PARCEL I:

Commencing at the Northwest corner of Section 16, Township 19 South, Range 2 East, Shelby County, Alabama; thence run South 87 degrees 58 minutes 26 seconds East for a distance of 220.87 feet to the southerly right of way line of Shelby County Road No. 83; thence run South 83 degrees 03 minutes 07 seconds East along said road right of way line for a distance of 720.60 feet; thence run South 83 degrees 24 minutes 54 seconds East along said right of way line for a distance of 100.39 feet to the point of a non-tangent curve to the North, said curve having a radius of 1663.36, a central angle of 8 degrees 20 minutes 27 seconds, and a chord of 241.93 feet bearing South 87 degrees 18 minutes 41 seconds East; thence run East along said curve for a distance of 242.14 feet to the Point of Beginning; thence North 86 degrees 09 minutes 05 seconds East, a distance of 108.09 feet; thence North 87 degrees 34 minutes 57 seconds East, a distance of 107.43 feet; thence South 89 degrees 20 minutes 04 seconds East, a distance of 130.02 feet; thence North 88 degrees 12 minutes 42 seconds East, a distance of 48.40 feet; thence South 80 degrees 20 minutes 54 seconds East, a distance of 72.07 feet; thence South 75 degrees 19 minutes 35 seconds East, a distance of 413.62 feet; thence South 03 degrees 58 minutes 47 seconds West, a distance of 445.45 feet; thence North 89 degrees 41 minutes 53 seconds East, a distance of 315.08 feet; thence South 00 degrees 12 minutes 27 seconds West, a distance of 318.21 feet; thence south 89 degrees 29 minutes 46 seconds East, a distance of 563.65 feet; thence South 28 degrees 24 minutes 19 seconds East, a distance of 198.50 feet; thence South 05 degrees 10 minutes 13 seconds West, a distance of 227.95 feet; thence South 10 degrees 06 minutes 50 seconds West, a distance of 641.84 feet; thence South 06 degrees 51 minutes 47 seconds East a distance of 314.13 feet; thence south 08 degrees 17 minutes 52 seconds East, a distance of 326.00 feet; thence South 89 degrees 59 minutes 44 seconds East, a distance of 588.27 feet; thence South 89 degrees 59 minutes 52 seconds East, a distance of 635.09 feet; thence south 00 degrees 23 minutes 26 seconds East, a distance of 1,308.06 feet; thence south 00 degrees 39 minutes 20 seconds East, a distance of 1,309.25 feet; thence North 89 degrees 45 minutes 51 seconds West, a distance of 1,679.86 feet; thence North 89 degrees, 44 minutes 06 seconds West, a distance of 1,075.89 feet; thence South 88 degrees 33 minutes 39 seconds West, a distance of 1,136.30 feet; thence North 02 degrees 56 minutes 15 seconds West, a distance of 208.17 feet; thence South 88 degrees 38 minutes 11 seconds West, a distance of 208.61 feet; thence North 00 degrees 57 minutes 06 seconds West, a distance of 687.65 feet; thence North 01 degree 04 minutes 24 seconds West, a distance of 3,040.90 feet; thence South 87 degrees 44 minutes 20 seconds East, a distance of 954.30 feet; thence North 01 degree 54 minutes 37 seconds West, a distance of 106.33 feet; thence south 87 degrees 54 minutes 07 seconds East, a distance of 403.50 feet; thence North 05 degrees 22 minutes 20 seconds West, a distance of 157.61 feet; thence North 17 degrees 29 minutes 19 seconds East, a distance of 33.04 feet; thence North 23 degrees 30 minutes 44 seconds East, a distance of 95.01 feet; thence North 23 degrees 16 minutes 54 seconds East, a distance of 18.53 feet; thence North 11 degrees 49 minutes 09 seconds East, a distance of 26.27 feet; thence North 09 degrees 35 minutes 18 seconds West, a distance of 243.14 feet; thence North 09 degrees 16 minutes 26 seconds West, a distance of 126.57 feet; thence North 05 degrees 48 minutes 10 seconds West, a distance of 124.51 feet; thence North 06 degrees 35 minutes 32 seconds West, a distance of 201.97 feet; thence North 11 degrees 48 minutes 26 seconds West, a distance of 71.68


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feet; thence North 00 degrees 43 minutes 42 seconds West, a distance of 55.96 feet to the POINT OF BEGINNING.

Less and except any part of subject property lying within a road right of way.

Situated in Shelby County, Alabama, According to the survey of Robert C. Farmer, dated May 30, 2006.

PARCEL II:

Commencing at a ROCK being the Northwest corner of Section 21, Township 19 South, Range 2 East, said point being the POINT OF BEGINNING; thence South 88 degrees 02 minutes 05 seconds East, a distance of 214.61 feet to a 1/2" rebar; thence South 87 degrees 58 minutes 31 seconds East, a distance of 1136.21 feet to a 1/4" open top pipe being the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 19 South, Range 2 East; thence South 2 degrees 40 minutes 56 seconds West, a distance of 658.30 feet to a 1/2" capped rebar; thence North 87 degrees 45 minutes 20 seconds West, a distance of 327.06 feet to a 1/2" capped rebar; thence south 2 degrees 05 minutes 29 seconds West, a distance of 30.07 feet to a 1/2" capped rebar; thence North 87 degrees 58 minutes 37 seconds West, a distance of 230.58 feet to a 1/2" capped rebar; thence North 1 degree 58 minutes 10 seconds East, a distance of 121.24 feet to a 1/2" capped rebar; thence North 88 degrees 00 minutes 05 seconds West, a distance of 180.04 feet to a 1/2" capped rebar; thence South 1 degree 59 minutes 10 seconds West, a distance of 61.03 feet to a 1/2" capped rebar; thence North 88 degrees 03 minutes 18 seconds West, a distance of 63.10 feet to a 1/2" capped rebar; thence South 1 degree 59 minutes 10 seconds West, a distance of 60.00 feet to a 1/2" capped rebar; thence North 87 degrees 54 minutes 35 seconds West, a distance of 140.03 feet to a 1/2" capped rebar; thence North 87 degrees 57 minutes 00 seconds West, a distance of 369.96 feet to a 1 1/2" open pipe on the easterly right of way line of Shelby County Road No. 83; thence North 19 degrees 43 minutes 50 seconds West along said road right of way line for a distance of 739.02 feet to a 1/2" capped rebar; thence South 88 degrees 00 minutes 05 seconds East, a distance of 241.49 feet to the POINT OF BEGINNING.

Less and except any part of subject property lying within a road right of way.
Situated in Shelby County, Alabama.

Together with all rights, privileges, easements, tenements, interests, improvements, and appurtenances thereunto belonging and all fixtures now attached to and used in connection with the premises herein described.

TO HAVE AND TO HOLD the above-described property unto the said Frontier Bank, its successors and assigns, forever; subject, however to any and all prior liens and encumbrances, the rights of way, easements and restrictions of record in the Office of the Judge of Probate of Shelby County, Alabama, existing assessments, the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama, and any taxes which may be due.

IN WITNESS WHEREOF, the said Mortgagee has caused this instrument to be executed by Cheryl H. Oswalt, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said Cheryl H. Oswalt has executed this instrument in her capacity as such Auctioneer on the 15th day of October, 2010.

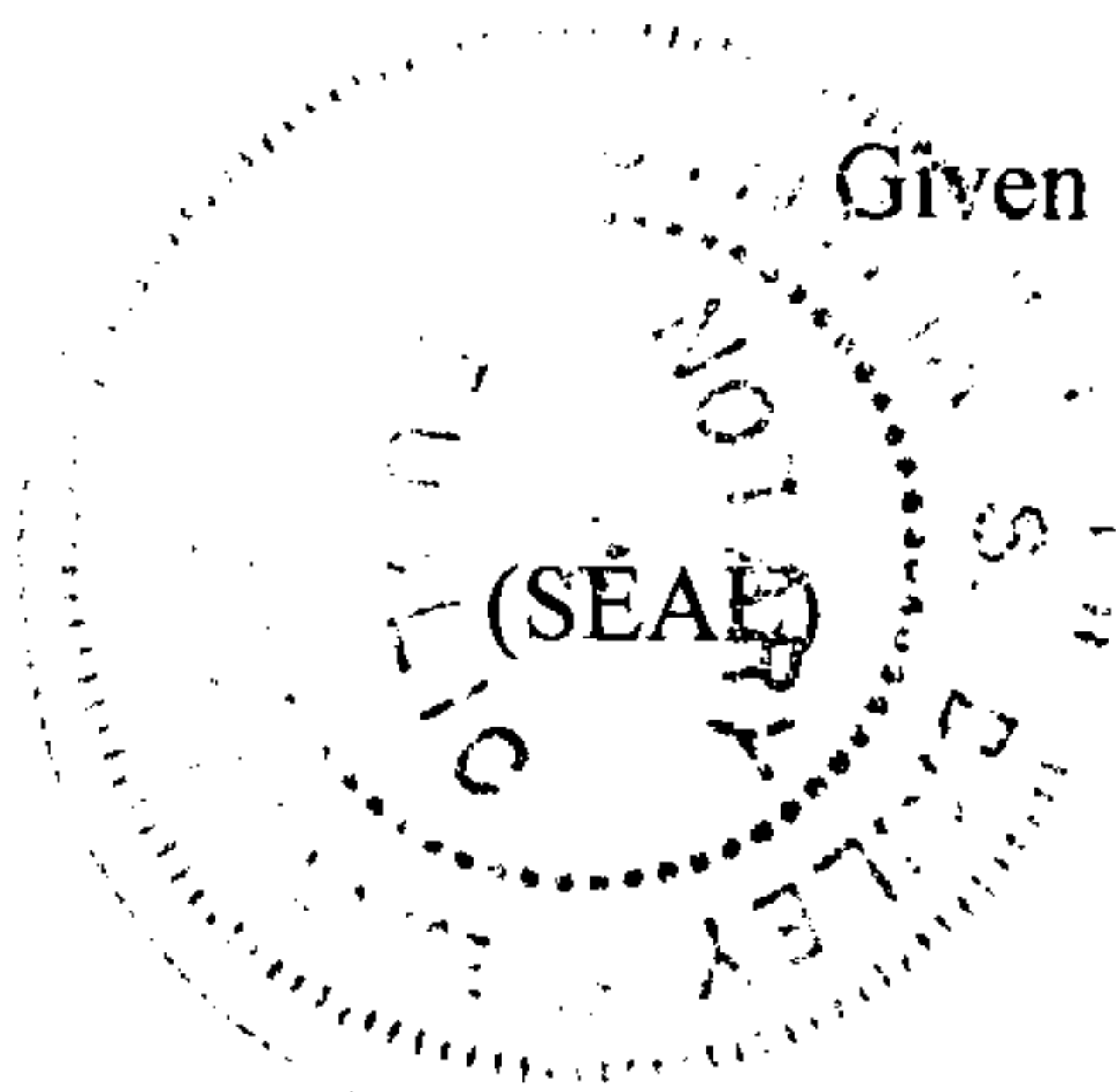
FRONTIER BANK
Mortgagee or Transferee of Mortgagee

By: Cheryl H. Oswalt
Cheryl H. Oswalt, as Auctioneer and the person
conducting said sale for the Mortgagee or Transferee of
Mortgagee

STATE OF ALABAMA)
 :
COUNTY OF JEFFERSON)

I, Cynthia S. Bailey, a Notary Public in and for said State and County, hereby certify that Cheryl H. Oswalt, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, 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 such Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority, executed said conveyance voluntarily on the day the same bears date.

Given under my hand and official seal this the 15th day of October, 2010.



Cynthia S. Bailey
NOTARY PUBLIC
My Commission Expires: **MY COMMISSION EXPIRES JANUARY 24, 2012**

GRANTEE'S ADDRESS:
Frontier Bank
43 North Broadway Avenue
Sylacauga, Alabama 35150
Attention: John M. Nicholson


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