

SECOND
CORRECTED MORTGAGE FORECLOSURE DEED

MORTGAGE FORECLOSURE DEED

331
20080729000305230 1/5 \$24.00
Shelby Cnty Judge of Probate, AL
07/29/2008 02:01:42PM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

This foreclosure deed is being recorded to
exclude a parcel of property therefrom, see page 6.

WHEREAS, on, to-wit: June 13, 2006, SCOTT JOHNSON, a married man, (herein called MORTGAGOR), did execute and deliver to FIRST FINANCIAL BANK, a corporation, (hereinafter called MORTGAGEE), a certain mortgage on the hereinafter described real estate to secure an indebtedness of \$507,000.00 therein described, said mortgage being of record in 20060623000302110, in the Probate Court of Shelby County, Alabama, and

WHEREAS, under the terms and provisions of said mortgage the said Mortgagee was authorized and empowered upon default in the payment of said indebtedness, to sell said real estate at public sale at the entrance of the Shelby County Courthouse in Columbiana, Alabama, to the highest bidder for cash, after first having mailed a thirty (30) day written notice to Mortgagors as required by said mortgage and after first having given notice of the time, place and terms of sale by advertisement for three (3) successive weeks in the SHELBY COUNTY REPORTER, a newspaper published in Shelby County, Alabama; and

WHEREAS, Mortgagors did fail and default in the payment of the indebtedness described in and secured by said mortgage and said indebtedness did thereby become in default and said mortgage was thereby subject to foreclosure; and

WHEREAS, the said Mortgagee, upon default in the payment of the indebtedness did declare the entire indebtedness due and payable and elected to foreclose said mortgage; and

WHEREAS, Mortgagee did give said thirty (30) day written notice as required by said mortgage and did thereafter advertise and give notice of the sale of said real estate under the terms and conditions of said mortgage by advertising notice of the time, place and terms

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of sale in the SHELBY COUNTY REPORTER, a newspaper of general circulation published in Shelby County, Alabama, said notices appearing in said newspaper once a week for three (3) successive weeks, on July 9, 16 and 23, 2008, which said notices stated that said real estate, describing it, would be sold at public auction to the highest bidder for cash during the legal hours of sale on July 29, 2008 at the entrance of the Shelby County Courthouse, at Columbiana, Alabama; and

WHEREAS, on July 29, 2008, within the legal hours of sale at the entrance of the Shelby County Courthouse, at Columbiana, Alabama, said real estate was offered for sale at public auction by Robert Dooley, who was and is the attorney for Mortgagee and acted as auctioneer in conducting said sale, and at said sale was sold to FIRST FINANCIAL BANK for the sum of \$514,081.71 said amount being the highest, best and last bid offered for said real estate.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned Robert Dooley, as Attorney for Mortgagee and as auctioneer conducting said sale, for and in consideration of the premises and the sum of \$ 514,081.71, do hereby grant, bargain, sell and convey unto FIRST FINANCIAL BANK, all of the right, title and interest of the said Mortgagors and of FIRST FINANCIAL BANK, as Mortgagee in and to the following described real estate situated in Shelby County, Alabama, to-wit: See legal description attached.

SEE ATTACHED EXHIBIT A

SOURCE OF TITLE: 20060623000302110

SUBJECT TO:

1. One year right of redemption.
2. Taxes for the year 2008 and subsequent years.
3. Easement and right of way for access as recorded in Inst. No. 20080702000268690.

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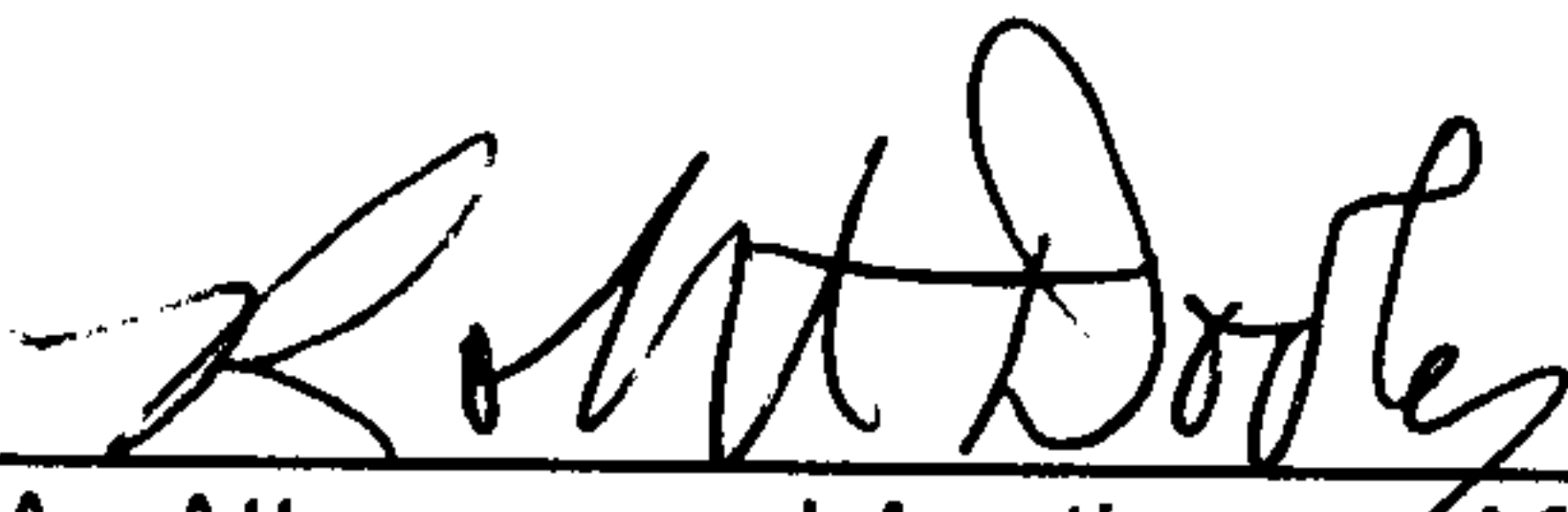
4. Easement granted to Alabama Power Company recorded in Inst. No. 20060630000316080.
5. Less and except any part of subject property lying within any road right-of-way.
6. Riparian rights associated with the River under applicable State and/or Federal law.
7. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including release of damages.
8. Right-of-way granted to Shelby County recorded in Deed Book 343, Page 768; Deed Book 320, Page 988; Deed Book 320, Page 965; Deed Book 313, Page 733 and Deed Book 300, Page 249.

TO HAVE AND TO HOLD UNTO SAID, FIRST FINANCIAL BANK, its, successors, heirs and assigns, FOREVER, as fully and aforesaid, under and by virtue of the power and authority vested in me as such attorney and auctioneer by the terms of said mortgage.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, as attorney and auctioneer aforesaid, on this 29th day of July, 2008.

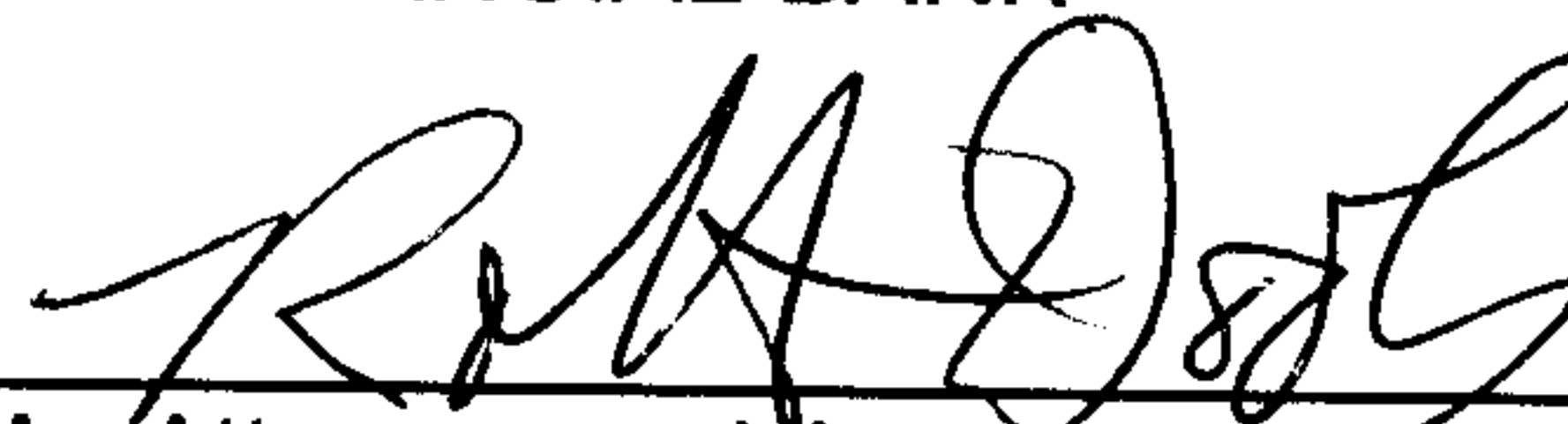
SCOTT JOHNSON

(SEAL)

By 
As Attorney and Auctioneer Aforesaid

FIRST FINANCIAL BANK

(SEAL)

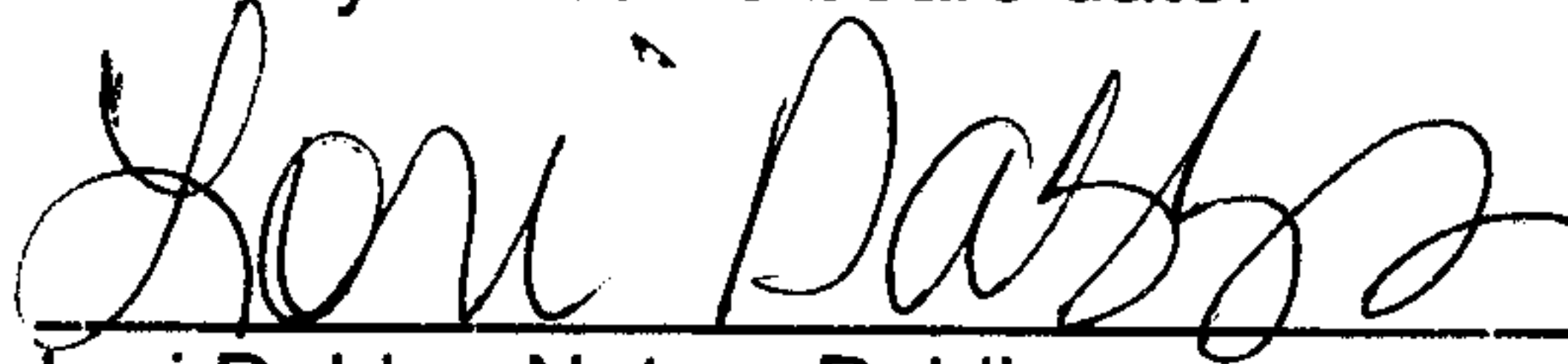
By 
As Attorney and Auctioneer Aforesaid

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STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Robert Dooley, whose name as attorney for Mortgagee and Auctioneer conducting the sale described in the above and foregoing conveyance, 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, he, in his capacity as such attorney and auctioneer, executed the same voluntarily on the day the same bears date.


Lori Dabbs, Notary Public

My commission expires: 8-4-2010

THIS INSTRUMENT PREPARED BY:

V. Edward Freeman, II
Stone, Patton, Kierce & Freeman
118 18th Street North
Bessemer, AL 35020
Phone (205) 424-1150

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EXHIBIT "A"

Begin at the NW corner of the NW 1/4 of the NE 1/4 of Section 2, Township 24 North, Range 15 East, said point being the point of beginning; thence S 06°50'02" W along the west line of said 1/4 section, a distance of 2456.45 feet to the NW corner of the NW 1/4 of the SE 1/4 of said Section 2; thence S 06°51'51" W along the West line of said 1/4 1/4 section, a distance of 1228.31 feet to the NW corner of the SW 1/4 of the SE 1/4 of said Section 2; thence S 06°49'24" W along the West line of said 1/4 1/4 section, a distance of 1260.20 feet to the SW corner of the SW 1/4 of the SE 1/4; thence N 86°30'33" E, along the South line of said 1/4 1/4 section, a distance of 1303.27 feet to the SE corner of the SW 1/4 of the SE 1/4 of said Section 2; thence N 06°32'44" E along the East line of said 1/4 1/4 section, a distance of 613.13 feet; thence N 86°46'34" E, a distance of 168.48 feet to the westerly right of way line of Shelby County Highway #71 (80 foot right of way); thence N 06°11'50" E and along said ROW, a distance of 438.09 feet to a point of curve to the left having a radius of 5000.00 feet, a central angle of 04°29'07" and subtended by a chord which bears N 03°57'16" E, a chord distance of 391.32 feet; thence northerly along the arc and along said right of way, a distance of 391.42 feet; thence N 01°42'43" E, and along said right of way, a distance of 1759.44 feet to a point of curve to the right having a radius of 1000.00 feet, a central angle of 39°31'11" and subtended by a chord which bears N 21°28'18" E, a chord distance of 676.16 feet; thence northerly along the arc and along said right of way, a distance of 689.75 feet; thence northwesterly along the shoreline of Lay Lake, a distance of 1800 feet more or less to the North line of said Section 2, said line being subtended by a chord which bears N 40°12'03" W, a distance of 1327.78 feet; thence S 88°01'31" W, along the North line of said Section 2, a distance of 467.71 feet to the point of beginning.

LESS AND EXCEPT:

Commence at the NW corner of the NE 1/4 of Fractional Section 2, Township 24 North, Range 1 East, Shelby County, Alabama; thence N 88°01'31" E along the North line of said section, a distance of 462.64 feet; thence S 01°58'29" E, a distance of 128.73 feet to the point of beginning; thence S 41°43'57" W, a distance of 498.07 feet; thence S 47°17'46" W, a distance of 50.24 feet; thence S 06°50'02" W, a distance of 734.37 feet; thence S 83°09'58" E, a distance of 844.22 feet; thence S 01°42'43" W, a distance of 614.90 feet; thence S 88°17'17" E, a distance of 236.03 feet; thence N 01°42'43" E, a distance of 342.65 feet to a point of curve to the right having a radius of 1000.00 feet, a central angle of 39°31'11" and subtended by a chord which bears N 21°28'18" E, a chord distance of 676.16 feet; thence northerly along the arc a distance of 691.40 feet; thence northwesterly along the meanders of Lay Lake (Spring Creek), a distance of 1300 feet more or less, said meanders subtended by the following described closure line; thence N 44°10'05" W, a distance of 1232.50 feet to the point of beginning.




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This foreclosure deed is being corrected to **exclude** from same that parcel of property made subject of the partial release recorded in 20070412000170110 dated 4/12/07 in the Probate office of Shelby County, Alabama, more particularly described as follows:

Commencing at a rebar at the NW corner of the NE1/4 -NE 1/4 of Section 2, Township 24 North, Range 15 East, Shelby County Alabama, thence S 6 degrees 50'18" W a distance of 1966.54 feet to a point; thence S 88 degrees 17'17" E a distance of 261.88 feet to a point, which is the point of BEGINNING; thence N 1 degree 29'35" W a distance of 187.99 feet to a point; thence N 89 degrees 58'42" E a distance of 491.07 feet to a point; thence S 50 degrees 15'18" E a distance of 328.32 feet to a point; thence S 88 degrees 17'17" E a distance of 300.03 feet to a point; thence S 1 degree 42'43" W a distance of 100 feet down the Eastern ROW of Shelby County Road 71 to a point; thence N 88 degrees 17'17" W a distance of 1033.35 feet to a point; thence N 1 degree 30'37" W a distance of 99.89 feet; to the point and place of BEGINNING, containing 5.15 acres, more or less.


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This foreclosure deed is being re-recorded a second time to correct the erroneous legal description on that parcel of property made the subject of the partial release recorded in 20070412000170110 dated 4/12/07 in the Probate Office of Shelby County, Alabama, more particularly described therein. *and the original Mortgage FC Deed recorded in 2008 0729 000 305230 on 7/29/2008*

The correct legal description of the property made the subject of the partial release as aforesaid is:

Commencing at a rebar at the NW corner of the NW1/4-NE1/4 of Section 2, Township 24 North, Range 15 East, Shelby County, Alabama, thence S 6 degrees 50'18"W a distance of 1966.54 feet to a point; thence S 88 degrees 17'17"E a distance of 261.88 feet to a point, which is the point of BEGINNING; thence N 1 degree 29'35"W a distance of 187.99 feet to a point; thence N 89 degrees 58'42"E a distance if 491.07 feet to a point; thence S 60 degrees 15' 18" E a distance of 328.32 feet to a point, thence S 88 degrees 17'17"E a distance of 300.03 feet to a point; thence S 1 degree 42'43"W a distance of 100 feet down the Eastern ROW of Shelby County Road 71 to a point; thence N 88 degrees 17'17"W a distance of 1033.35 feet to a point; thence N 1 degree 30'37"W a distance of 99.89 feet; to the point and place of BEGINNING, containing 5.15 acres, more or less.