

This instrument was prepared by:  
Walter F. Scott III  
Galloway & Scott, LLC  
2200 Woodcrest Pl, Suite 310  
Birmingham, Alabama 35209

Send tax notice to:  
Bryant Bank  
2700 Cahaba Village Plaza  
Mountain Brook, AL 35243

## MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA            )  
                                      :  
SHELBY COUNTY                )       **KNOW ALL MEN BY THESE PRESENTS**

THAT, on March 12, 2008, Orthopaedic Physical Therapy, Inc. executed a mortgage in favor of Bryant Bank, which mortgage was recorded on March 28, 2008 in Instrument #20080328000126160 in the Office of the Judge of Probate of Shelby County, Alabama, as corrected by two affidavits dated February 7, 2012 and recorded on February 20, 2012 in Instrument #20120210000049590 and Instrument #20120210000049600, in said Probate Office; and

WHEREAS, in and by said mortgage, the mortgagee is 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 front Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving notice of the time, place and terms of said sale in a newspaper published in said county by publication once a week for three (3) consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, and the 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 is authorized to execute a foreclosure deed conveying title to the purchaser at said sale; and it is further provided in and by said mortgage that the mortgagee may bid at the sale and purchase said property if it is the highest bidder therefor; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said Bryant Bank 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 *Shelby County Reporter*, a newspaper published in Shelby County, Alabama, in its issues of February 22, 29 and March 7, 2012;

WHEREAS, the aforesaid advertisement showed that the foreclosure sale was to be held during the legal hours of sale on the 16<sup>th</sup> day of March, 2012 under the terms of said notice said foreclosure was duly and properly conducted on the 16<sup>th</sup> day of March, 2012, and Bryant Bank, as mortgagee, did offer for sale and sell at public outcry before the front door of the Courthouse in the City of Columbiana, Shelby County, Alabama, the property described herein; and

WHEREAS, Walter F. Scott III was the Auctioneer who conducted the said sale for the said Bryant Bank, and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of Bryant Bank in the amount of One Hundred Forty Eight Thousand and 00/100 Dollars (\$148,000.00), on the indebtedness secured by said mortgage, Bryant Bank, by and through Walter F. Scott III as Auctioneer conducting said sale, does hereby GRANT, BARGAIN, SELL AND CONVEY unto Bryant Bank the following described property situated in Shelby County Alabama:

PARCEL B:

A parcel of land in the Southeast Quarter of the Northwest Quarter of Section 26, Township 21 South, Range 1 West, said parcel of land being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 26; thence South 01 degrees 15 minutes 00 seconds East, along the West line of said sixteenth section, a distance of 1238.19 feet to a point; thence North 79 degrees 33 minutes 00 seconds East, a distance of 346.21 feet to a point; thence South 10 degrees 27 minutes 00 seconds East, a distance of 200.00 feet to a point; thence South 10 degrees 00 minutes 36 seconds East, a distance of 350.37 feet to a point; thence North 79 degrees 44 minutes 31 seconds East, a distance of 105.80 feet to the point of beginning; thence South 00 degrees 45 minutes 08 seconds East, a distance of 169.29 feet to the center of a creek; thence North 86 degrees 25 minutes 01 seconds East, along the center of the creek, a distance of 59.50 feet to a point; thence North 88 degrees 10 minutes 50 seconds East along the center of the creek, a distance of 101.33 feet to a point on the right of way of State Highway No. 25; thence North 23 degrees 48 minutes 12 seconds East, along said right of way at 25.00 feet, set a reference iron with cap stamped "S. Wheeler, RPLS 16165", a total distance of 175.28 feet to a ½" rebar set with a cap stamped "S. Wheeler, RPLS 16165"; thence North 66 degrees 11 minutes 48 seconds West, a distance of 77.79 feet to a ¾" pipe found; thence South 79 degrees 44 minutes 31 seconds West, a distance of 165.14 feet to the point of beginning.

Situated in Shelby County, Alabama

TOGETHER WITH: all rights, easements, appurtenance, royalties, mineral rights, oil and gas rights, crops, timber, all diversion,



payments or third party payments made to crop producers, all water and riparian rights, wells, ditches, reservoirs and water stock and all existing and future improvements, structures, fixtures and replacements that may now, or at any other time in the future be part of the real estate described above. (Such real property and the aforesaid rights, interest, or any form of hereditaments are collectively referred to hereinafter as the "Property").

This property is sold in an "as-is, where-is" condition.

- Subject to:
- 1) Any easements, encumbrances and exceptions reflected in the subject mortgage and those contained in the records of the Offices of the Judge of Probate of Shelby, Alabama;
  - 2) all zoning ordinances;
  - 3) matters which would be disclosed by an accurate survey or by an inspection of the property;
  - 4) any outstanding taxes, including, but not limited to, ad valorem taxes which constitute liens upon said property;
  - 5) special assessments;
  - 6) any home or business owner's association dues;
  - 7) all outstanding bills for public utilities that constitute liens upon said property;
  - 8) all restrictive covenants, easements, and rights of way that prime the subject mortgage, whether of record or unrecorded;
  - 9) all statutory rights of redemption pursuant to Alabama law;
  - 10) any other matters of record superior to the subject mortgage; and
  - 11) any mineral, mining, oil, gas and/or other form of subsurface rights and/or interests not conveyed by the subject mortgage.
  - 12) Sewer easements to Town of Columbiana, Alabama as recorded in Deed Book 87, Page 90 and Deed Book 219, Page 86, in the Probate Office of Shelby County, Alabama.
  - 13) Transmission line permit to Alabama Power Company recorded in Deed Book 177, Page 492, in the Probate Office of Shelby County, Alabama.
  - 14) Except 2/3 interest in oil located under the above described lands as reserved in Deed Book 173, Page 440, in the Probate Office of Shelby County, Alabama.

Except for the warranties of title existing at law by virtue of the conveyance effected via this statutory warranty deed (and subject to the exceptions and limitations noted herein), this property is sold without warranty or recourse expressed or implied as to title, use and/or enjoyment.

TO HAVE AND TO HOLD the above described property unto Bryant Bank, its successors and assigns forever.

IN WITNESS WHEREOF, Bryant Bank has caused this instrument to be executed by and through Walter F. Scott III, as Auctioneer, conducting said sale, and Walter F. Scott III as both attorney in fact, and Auctioneer conducting said sale has hereto set his hand and seal on this the 26<sup>th</sup> day of March, 2012.

BRYANT BANK

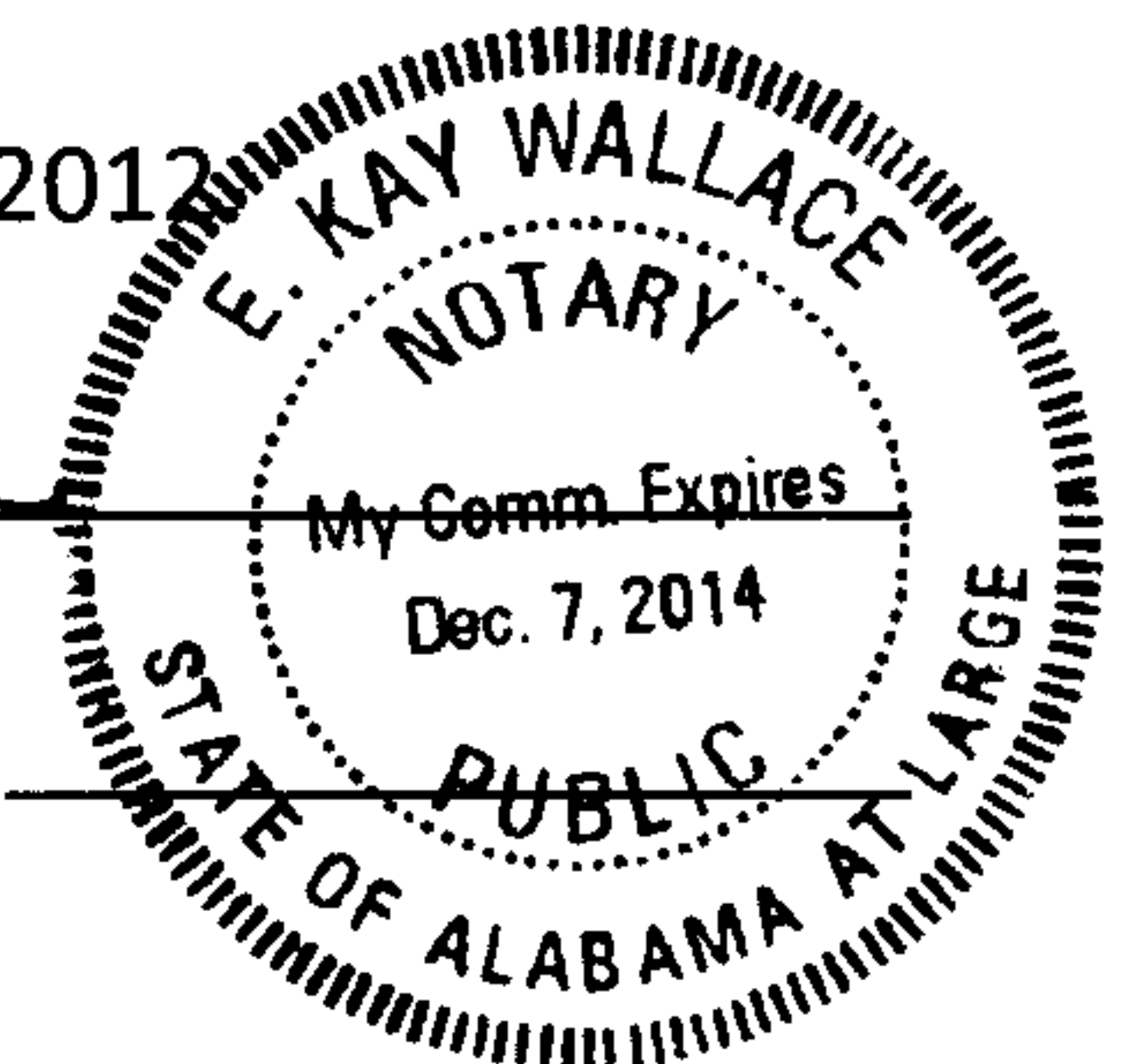
BY: Walter F. Scott III (Seal)  
Walter F. Scott III  
*As Auctioneer and Attorney in Fact*

STATE OF ALABAMA       )  
                                     :  
SHELBY COUNTY        )

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Walter F. Scott III, whose name as Auctioneer and Attorney in Fact for Bryant 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 the conveyance, he, in his capacity as such 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 26<sup>th</sup> day of March, 2012

E. Kay Wallace  
Notary Public  
My Commission Expires: \_\_\_\_\_



20120327000104230 4/4 \$24.00  
Shelby Cnty Judge of Probate, AL  
03/27/2012 10:28:26 AM FILED/CERT