

**THIS INSTRUMENT PREPARED BY:**

Kevin C. Gray, Esq.  
Maynard, Cooper & Gale, P.C.  
655 Gallatin Street, S.W.  
Huntsville, Alabama 35801

**SEND TAX NOTICE TO:**

RBC Real Estate Finance, Inc.  
10375 Richmond Avenue, Suite 1010  
Houston, TX 77042

**STATE OF ALABAMA**

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**MORTGAGE FORECLOSURE DEED**

**COUNTY OF SHELBY**

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**KNOW ALL MEN BY THESE PRESENTS:** That **WHEREAS**, on April 15, 2004, **EDWARDS SPECIALTIES, INC.**, an Alabama corporation, delivered AMSOUTH BANK, that certain Real Estate Mortgage and Security Agreement, covering lands hereinafter described, situated in Shelby County, Alabama, said Mortgage being recorded on April 16, 2004 as Instrument Number 20040416000199360 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Records"), as modified by that certain Mortgage Modification Agreement, dated January 13, 2005, and recorded as Instrument Number 20050118000024810 in the Probate Records (as modified, the "Mortgage");

**WHEREAS**, AmSouth Bank assigned the Mortgage to RBC Bank (USA), a North Carolina banking corporation, formerly known as RBC Centura Bank, pursuant to that certain Assignment dated March 9, 2007, and recorded as Instrument Number 20070416000174210 in the Probate Records, said Assignment was corrected by that certain Scrivener's Affidavit, recorded as Instrument No. 20101109000375900 in the Probate Records;

**WHEREAS**, RBC Bank (USA) sold the loan secured by the Mortgage to RBC Real Estate Finance, Inc. on or about April 29, 2008; and

**WHEREAS**, RBC Bank (USA) assigned the Mortgage to RBC Real Estate Finance, Inc., pursuant to that certain Assignment dated August 31, 2011, and recorded as Instrument Number 20110909000267270, all in the Probate Records in the Office of the Judge of Probate of Shelby County, Alabama; and

**WHEREAS**, after the sale of the debt, but prior to the transfer of the Mortgage of record, RBC Bank (USA) attempted to institute foreclosure proceedings with respect to the Mortgage by publishing notice of foreclosure in *The Shelby County Reporter* in its issues of April 27, 2011, May 4, 2011, and May 11, 2011, and conducting foreclosure proceedings with respect to the Mortgage on May 18, 2011, whereby RBC Bank (USA) became the purported purchaser thereof; and

**WHEREAS**, because RBC Bank (USA) was no longer the holder of the debt secured by the Mortgage, such purported foreclosure was void and of no legal force or effect, and that certain Mortgage Foreclosure Deed, dated as of May 18, 2011 and recorded as Instrument Number 20110518000148560 in the Probate Records did not constitute a valid transfer of the mortgaged property. Moreover, the purported foreclosure sale did not constitute a foreclosure of the Mortgage, which Mortgage remained in effect with respect to the mortgaged property; and

**WHEREAS**, in and by the terms of said Mortgage, RBC Real Estate Finance, Inc., as the record holder thereof, and the holder of the debt secured thereby, was authorized, empowered and granted the right, in the event of default in the payment of the indebtedness secured thereby according to the terms thereof, to sell said property at the front or main door of the Courthouse in Columbiana, Shelby County, Alabama, for cash, to the highest bidder, after giving three weeks notice of the time, place and terms of sale, together with a description of the property to be sold, by publication in any newspaper published in Shelby County, Alabama, once a week for three consecutive weeks; and

**WHEREAS**, said Mortgage provided that in the case of a sale under the right, power and authority contained therein that RBC Real Estate Finance, Inc. and/or auctioneer conducting such sale shall make proper conveyance to the purchaser in the name of Edwards Specialties, Inc.; and it was further provided in and by the terms of said instrument that RBC Real Estate Finance, Inc. might bid at said sale and purchase said property like strangers, if the highest bidder therefor; and



**WHEREAS**, default was made in the payment of the indebtedness secured by said Mortgage and all of the indebtedness secured by the Mortgage was declared due and payable;

**WHEREAS**, RBC Real Estate Finance, Inc. did give notice of the foreclosure of said Mortgage, by publication in *The Shelby County Reporter*, a newspaper of general circulation published in Shelby County, Alabama, in its issues of December 7, 2011, December 14, 2011, and December 21, 2011, and postponements having run in its issues of December 28, 2011, February 8, 2012, and March 14, 2012; and

**WHEREAS**, on the 23rd day of April, 2012, foreclosure sale was duly and properly held under the terms of said notice, between the legal hours of sale, and the Bank did offer for sale and did sell at public outcry, in front of the main entrance of the Shelby County Courthouse in the City of Columbiana, Alabama, the property hereinafter described after having offered said property for sale; and

**WHEREAS**, the undersigned Angela Foley was the Auctioneer and the person conducting said sale for the Bank; and

**WHEREAS**, the highest and best bid for the property described in said Mortgage was the bid of the RBC Real Estate Finance, Inc. in the amount of **Sixty-Four Thousand and No/100 Hundred Dollars (\$64,000.00)**.

**NOW, THEREFORE**, in consideration of the premises and of the credit of the above amount against the indebtedness of Edwards Specialties, Inc., to the owner of the Mortgage hereinabove referred to, RBC Real Estate Finance, Inc., acting by and through Angela Foley, as Auctioneer and the person conducting said sale, and Edwards Specialties, Inc., acting by and through Angela Foley, as its attorney-in-fact, all as provided in said instrument, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said RBC Real Estate Finance, Inc., subject to the matters hereinafter set forth and to the statutory right of redemption of those entitled to redeem as provided by the laws of the State of Alabama, the following described real property situated in Shelby County, Alabama; to wit:

Commence at the Southwest corner of the Southeast quarter of the Northeast quarter of Section 34, Township 20 South, Range 4 West, Shelby County, Alabama, said point being the POINT OF BEGINNING; thence North 00 degrees 03 minutes 51 seconds East along the West line of said quarter-quarter section, a distance of 1,291.38 feet to a Northwest corner of the quarter-quarter section; thence North 00 degrees 00 minutes 04 seconds West, a distance of 51.52 feet to a point on the Southeasterly right of way line of Shelby County Highway 13; thence North 55 degrees 32 minutes 11 seconds East along said right of way, a distance of 61.17 feet; thence South 00 degrees 11 minutes 33 seconds West and leaving said right of way, a distance of 85.81 feet; thence South 78 degrees 17 minutes 34 seconds East, a distance of 958.76 feet; thence North 89 degrees 40 minutes 23 seconds East, a distance of 150.00 feet to a point on the approximate centerline of Hurricane Creek; thence South 38 degrees 04 minutes 11 seconds West along said centerline, a distance of 138.31 feet; thence South 57 degrees 49 minutes 54 seconds West along said centerline, a distance of 159.33 feet; thence South 79 degrees 18 minutes 21 seconds West along said centerline, a distance of 207.94 feet; thence South 17 degrees 35 minutes 31 seconds West along said centerline, a distance of 127.17 feet; thence South 44 degrees 09 minutes 15 seconds East along said centerline, a distance of 55.52 feet; thence South 60 degrees 38 minutes 17 seconds East along said centerline, a distance of 114.28 feet; thence South 48 degrees 02 minutes 25 seconds East along said centerline, a distance of 256.75 feet; thence South 42 degrees 42 minutes 28 seconds West along said centerline, a distance of 135.55 feet; thence South 33 degrees 58 minutes 47 seconds West along said centerline, a distance of 84.69 feet; thence South 20 degrees 09 minutes 25 seconds West along said centerline, a distance of 76.48 feet; thence South 73 degrees 40 minutes 13 seconds West along said centerline, a distance of 39.32 feet; thence North 29 degrees 49 minutes 51 seconds West along said centerline, a distance of 32.22 feet; thence North 45 degrees 27 minutes 07 seconds West along said centerline, a distance of 48.25 feet; thence North 58 degrees 49 minutes 42 seconds West along said centerline, a distance of 28.59 feet; thence South 68 degrees 36 minutes 27 seconds West along said centerline, a



distance of 13.91 feet; thence South 28 degrees 13 minutes 46 seconds West along said centerline, a distance of 51.54 feet; thence South 32 degrees 50 minutes 49 seconds West along said centerline, a distance of 73.91 feet; thence South 46 degrees 41 minutes 35 seconds West along said centerline, a distance of 98.16 feet; thence South 53 degrees 46 minutes 57 seconds West along said centerline, a distance of 104.45 feet; thence South 49 degrees 25 minutes 40 seconds West along said centerline, a distance of 50.88 feet; thence South 32 degrees 38 minutes 55 seconds West along said centerline, a distance of 29.54 feet to the intersection of said centerline and the South line of said quarter-quarter section; thence South 89 degrees 49 minutes 55 seconds West along the South line of said quarter-quarter section, a distance of 440.74 feet to the POINT OF BEGINNING. Containing 997,891 square feet or 22.91 acres, more or less, as reflected on survey by R.C. Farmer & Associates, Inc., dated May 29, 2003.

The above described property also known as Oak Brook Subdivision, recorded in Plat Book 35, Page 106, in the Office of the Judge of Probate, Shelby County, Alabama.

**Less and Except the following lots:**

Lots 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, and 17, according to the map of survey of Oak Brook Subdivision, as recorded in Map Book 35, Page 106, in the Office of the Judge of Probate of Shelby County, Alabama.

**TO HAVE AND TO HOLD THE** above described property unto the said RBC Real Estate Finance, Inc., its successors and assigns forever; subject, however, to the statutory rights of redemption on the part of those entitled to redeem, and any taxes which may be due.

**IN WITNESS WHEREOF**, RBC Real Estate Finance, Inc., acting by and through Angela Foley, as Auctioneer and the person conducting said sale, and Edwards Specialties, Inc., acting by and through Angela Foley, as Auctioneer and Attorney-in-Fact, and Angela Foley, as Auctioneer conducting said sale, has hereunto set her hand and seal on this the 23rd day of April, 2012.

**RBC REAL ESTATE FINANCE, INC.**

By: Angela Foley  
Angela Foley, as Auctioneer and the person  
conducting said sale

**EDWARDS SPECIALTIES, INC.,** an Alabama  
corporation

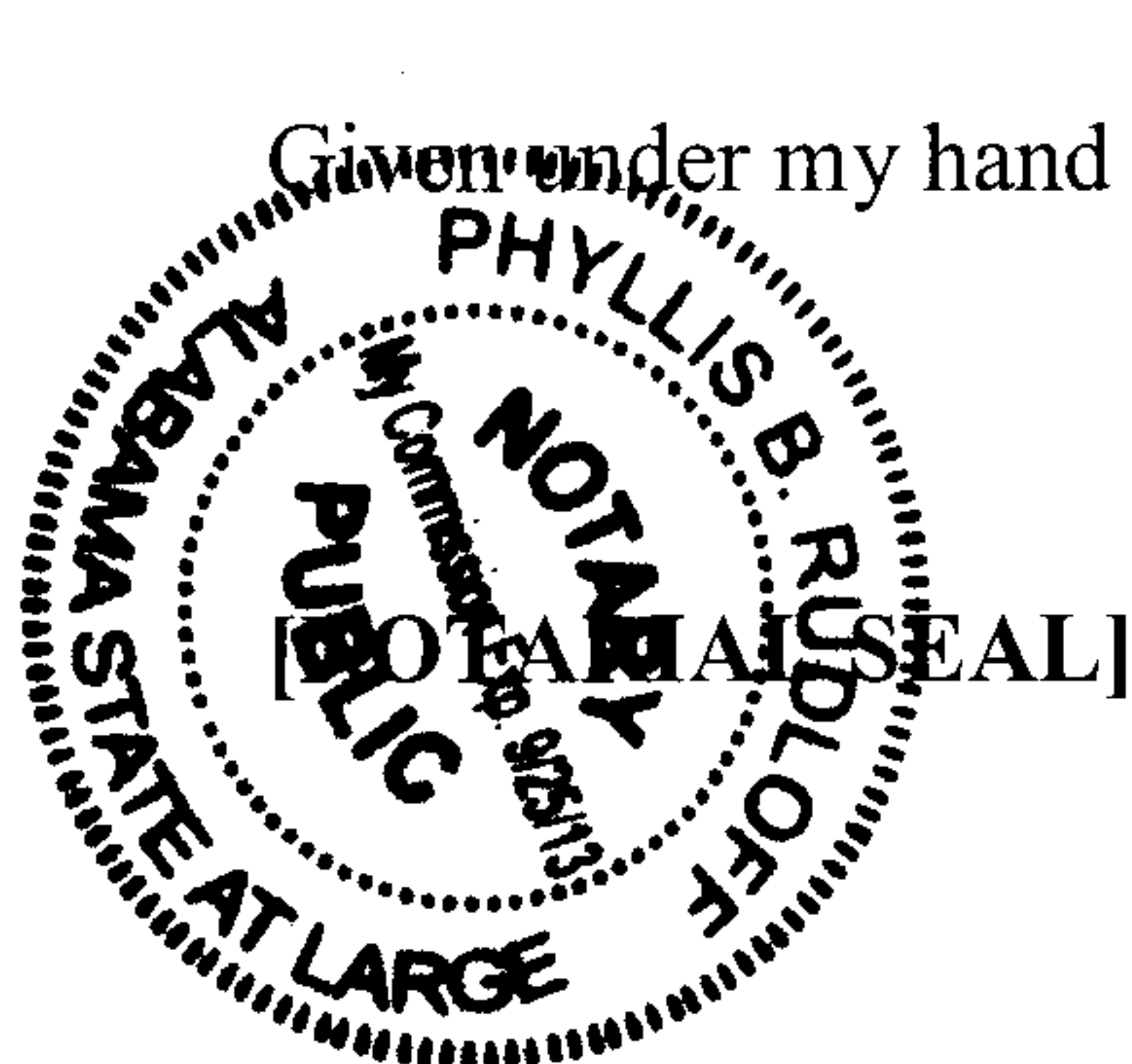
By: Angela Foley  
Angela Foley, as Auctioneer and the person  
conducting said sale

Angela Foley  
**ANGELA FOLEY**



STATE OF ALABAMA )  
:  
COUNTY OF JEFFERSON )

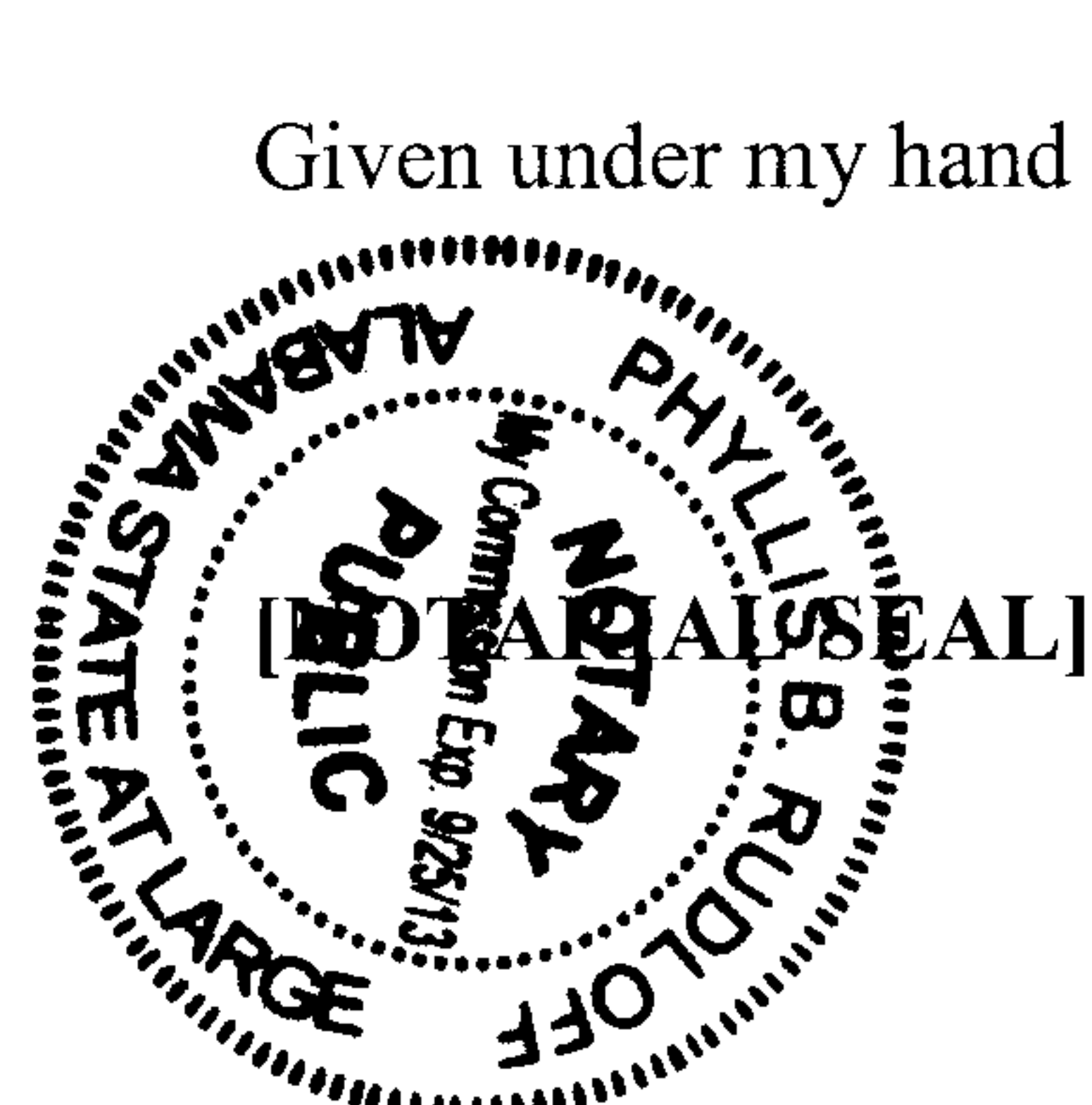
I, the undersigned, Notary Public in and for said County in said State, hereby certify that **Angela Foley**, whose name as auctioneer and the person conducting said sale for **RBC REAL ESTATE FINANCE, INC.**, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in her capacity as such Auctioneer and the person conducting said sale, as attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date.



Phyllis B. Rudloff  
NOTARY PUBLIC  
My Commission Expires: 9/25/13

STATE OF ALABAMA )  
:  
COUNTY OF JEFFERSON )

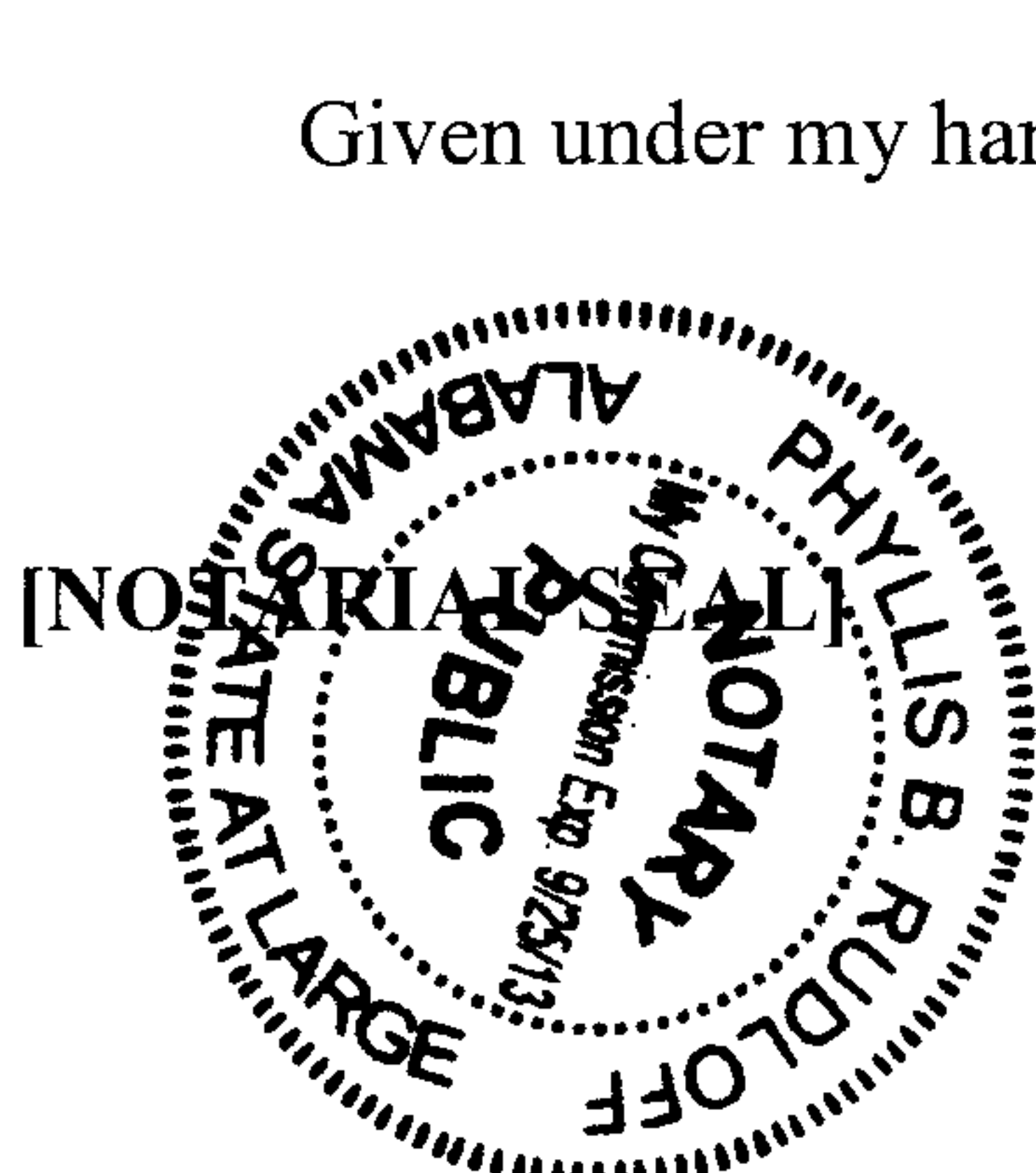
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Angela Foley**, whose name as Auctioneer and the person conducting said sale for **EDWARDS SPECIALTIES, INC.**, an Alabama corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged 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 the sale, as attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date.



Phyllis B. Rudloff  
Notary Public  
My Commission Expires: 9/25/13

STATE OF ALABAMA )  
:  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **ANGELA FOLEY**, whose name as Auctioneer 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, executed the same voluntarily on the day the same bears date.



Phyllis B. Rudloff  
Notary Public  
My Commission Expires: 9/25/13



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Shelby Cnty Judge of Probate, AL  
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