

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that, whereas, heretofore on to-wit: the 4th day of April, 2006, Jim Whatley Construction Co., Inc. did execute a certain mortgage on property herein described to Cadence Bank, N.A., f/k/a Superior Bank, N.A., as Assignee of the FDIC, Receiver of Superior Bank, which said mortgage is recorded as Document Number 20060413000171630 in the Probate Records of Shelby County, Alabama.

WHEREAS, in and by said mortgage, the Mortgagee was 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 Courthouse door of the City of Columbiana, County of Shelby, State of Alabama, after giving notice of same of the time place and terms of said sale in some newspaper published in said County by publication once a week for three consecutive weeks prior to said sale at public outcry for cash to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in said mortgage, the Mortgagee or any person conducting said sale for the Mortgagee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage the Mortgagee might bid at the sale and purchase the said property if the highest bidder therefore; and,

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said Cadence Bank, N.A. did declare all of the indebtedness secured by said mortgage due and payable and said mortgage subject to the 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 of local circulation, published in Shelby County, Alabama, in its issues of April 25, May 2 and May 9, 2012; and,

WHEREAS, on the 15th day of May, 2012, the day on which the foreclosure sale was to be held under the terms of said notice between the legal hours of sale, said foreclosure was duly and properly conducted and Cadence Bank, N.A. did offer for sale and sell at public outcry in front of the Courthouse door in Shelby County, Alabama, the property hereinafter described:

WHEREAS, Melvin Cowan was the Auctioneer who conducted the said foreclosure sale and was the person conducting the sale for Cadence Bank, N.A., and Cadence Bank, N.A., was the best and highest bidder having bid a credit against the debt of Jim Whatley Construction Co., Inc. in the amount up to Three Hundred Sixteen Thousand Nine Hundred Thirty Seven Dollars and 15/100 (\$316,937.15); and said property was thereunto sold to Cadence Bank, N.A.

NOW, THEREFORE, in consideration of the premises and a credit in the amount up to Three Hundred Sixteen Thousand Nine Hundred Thirty Seven Dollars and 15/100 (\$316,937.15) on the outstanding indebtedness secured by said mortgage, the said Jim Whatley Construction Co., Inc., and the said Cadence Bank, N.A. both acting by and through the undersigned as their duly constituted and appointed attorney-in-fact and auctioneer at said sale, do hereby grant, bargain, sell and convey unto the said Cadence Bank, N.A., all its right, title, and interest in the following described property situated in Shelby County, Alabama, to-wit:

Lot 2229, according to the map of Highland Lakes, 22nd Sector, Phase 1, an Eddleman Community, as recorded in the Map Book 33, Page 79 in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

Together with nonexclusive easement to use the private roadways, Common Area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 and amended in Instrument #1996-17543 and further amended in Instrument # 1999-31095 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 22nd Sector, Phase I, recorded as Instrument No. 20040823000471390 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

TO HAVE AND TO HOLD the above described property unto Cadence Bank, N.A., its successors and assigns, forever, subject however to the Statutory Rights of Redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws of the State of Alabama, and further subject to Federal Tax Liens, Special Assessments, if any, any and all matters of record and the mortgage hereinabove mentioned.

IN WITNESS WHEREOF, Cadence Bank, N.A., has caused this instrument to be executed by and through Melvin Cowan, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of the Mortgage and in witness whereof has hereunto set his hand and seal on this the 15th day of May, 2012.

Jim Whatley Construction Co., Inc., Mortgagor

BY: Cadence Bank, f/k/a Superior Bank, N.A. as
Assignee of the FDIC, Receiver of Superior Bank
Mortgagee or Transferee of Mortgagee

BY: Melvin Cowan

Melvin Cowan, as Auctioneer and the person
conducting said sale for Mortgagee
or Transferee of the Mortgagee

Cadence Bank, f/k/a Superior Bank, N.A. as Assignee of
the FDIC, Receiver of Superior Bank
Mortgagee or Transferee of Mortgagee

BY: Melvin Cowan

Melvin Cowan, as Auctioneer and the person
conducting said sale for Mortgagee
or Transferee of the Mortgagee

BY: Melvin Cowan

Melvin Cowan, as Auctioneer and the person
conducting said sale for Mortgagee
or Transferee of the Mortgagee

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Melvin Cowan, whose name as Auctioneer and the person conducting said sale for Mortgagee or Transferee of the Mortgagee, Cadence Bank, N.A. and whose name is signed to the foregoing conveyance in this capacity and who is known to me and acknowledged before me on this date, that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date, as the action on himself as Auctioneer and the person conducting the same for Cadence Bank, N.A. with full authority and as the actions Cadence Bank, N.A. as Mortgagee, in the mortgage referred to in the foregoing deed.

Given under my hand and official seal, this the 15th day of May, 2012.

Melody Baus

Notary Public

My Commission Expires: 7/29/13

This instrument Prepared by:

Gary P. Wolfe

Wolfe, Jones, Wolfe,

Hancock & Daniel, L.L.C.

905 Bob Wallace Avenue

Huntsville, Alabama 35801

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Shelby Cnty Judge of Probate, AL
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