


STATE OF ALABAMA)
SHELBY COUNTY)


20121217000479030 1/3 \$33.50
Shelby Cnty Judge of Probate, AL
12/17/2012 08:34:47 AM FILED/CERT

FORECLOSURE DEED FOR UNPAID COMMON EXPENSE ASSESSMENTS

KNOW ALL PERSONS BY THESE PRESENTS that heretofore, the Declaration of Cambrian Wood Condominiums was filed for record in Misc. Book 12 beginning on page 87 and amended by Misc. Book 12 Page 2; Misc. Book 12, Page 4 and Misc. Book 13, Page 344 in the Office of the Judge of Probate of Shelby County, Alabama. Such Declaration of Condominium provided for the creation of the Cambrian Wood Condominium Inc., (the "Association"), which is the owners' association for Cambrian Wood Condominiums, and authorized by the Declaration of Condominium to manage the common elements of the property and collect the assessments for the common expenses of the property;

WHEREAS, Total Therapy Plus, Inc. acquired a fee simple title to Unit 163, Cambrian Woods Condominium by warranty deed dated January 13, 2006; and

WHEREAS, Advalorem Taxes for the year 2011 were purchased by Tower DB II Trust on April 2, 2012; and

WHEREAS, Alabama Code § 35-8A-316 provides that the Association shall have a lien against the individual units within the condominium property for payment of the assessment levied by the Association for the common expenses of the condominium property. Alabama Code § 35-8A-316 further provides that the lien of the Association may be foreclosed as are mortgages containing a power of sale in the State of Alabama. Before commencing foreclosure proceedings, the Association provided reasonable advance notice of the pending foreclosure to the owner and the mortgagee of the below described condominium unit; and

WHEREAS, default was made in the payment in the payment of the common expense assessments secured by said lien, and the Association did declare the assessments secured by said lien due and payable and did give due and proper notice in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, and of general circulation in Shelby County, Alabama, once a week for three consecutive weeks prior to the sale that the Association would sell in payment of the unpaid assessments in satisfaction of the lien, the below described condominium at public outcry for cash to the highest bidder; and

WHEREAS, on the 4th day of December, 2012, the day on which the sale was due to be held, in accordance with said Notice of Foreclosure Sale, between the legal hours of sale, the foreclosure sale was duly and properly conducted on the steps of the courthouse for the county for which said real estate is located, and the Association by and through the undersigned, its duly authorized agent and auctioneer, then and there did offer for sale and sell at public outcry, for cash, to the highest bidder, said real estate; and

WHEREAS, the highest and best bid for cash obtained for said real estate was the bid of the Association, in the amount of Thirteen Thousand Three Hundred and Fifty Eight and 84/100 Dollars (\$13,358.84), which sum the Association offered to credit on the unpaid condominium assessments secured by said lien and attorney fees and other costs associated with the Sale;

WHEREAS, the undersigned was the duly authorized agent and auctioneer for the Association to conduct the sale and was the person conducting the sale;

NOW, THEREFORE, in consideration of the premises and of a credit of Thirteen Thousand Three Hundred and Fifty Eight and 84/100 Dollars (\$13,358.84), on the indebtedness secured by said lien, the Association, by and through the undersigned, its duly authorized agent and auctioneer for the Association as the person conducting the sale and the person conducting the sale, does hereby **GRANT, BARGAIN, SELL** and **CONVEY** unto Cambrian Wood Condominium, Inc. , the highest bidder at said sale, the following described real estate situated in Jefferson County, Alabama, to wit:

Condominium Unit Number 163 of Cambrian Wood Condominium, a condominium according to the Declaration of Condominium Ownership of Cambrian Wood Condominium, recorded in Misc. Book 12, beginning on page 87 and amended by Misc. Book 13, Page 2; Misc. Book 12, Page 4 and Misc. Book 13, Page 344 in the Office of the Judge of Probate of Shelby County, Alabama. Together with a .0133124 percent interest appurtenant to said unit in the common elements as set forth in Exhibit "C" of said Declaration, and together with all of its appurtenances according to the Declaration as recorded in Map Book 6, Page 62, Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto said highest bidder, its successors and assigns, forever, subject, however, to all easements and restrictions of record and the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama. This conveyance is made subject to any and all liens, easements, encumbrances, restrictions, reservations and rights of way, of any kind whatsoever, either known or unknown, including without limitation those appearing of record affecting the above described property. The subject property is conveyed AS-IS, WHERE-IS. This conveyance is also made subject 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 the United States of America and unpaid taxes, if any.

IN WITNESS THEREOF, William McCarty the person making said sale, Cambrian Wood Condominium, Inc. by William McCarty, its duly authorized agent and auctioneer and the person conducting the sale, and the undersigned in his capacity as agent and auctioneer of Cambrian Wood Condominiums, Inc., and the person conducting this sale, has executed this instrument on this, the 5th day of December, 2012.

Cambrian Wood Condominium

By: William L. McCarty


William L. McCarty

Auctioneer and Attorney in Fact

By: William L. McCarty

William L. McCarty

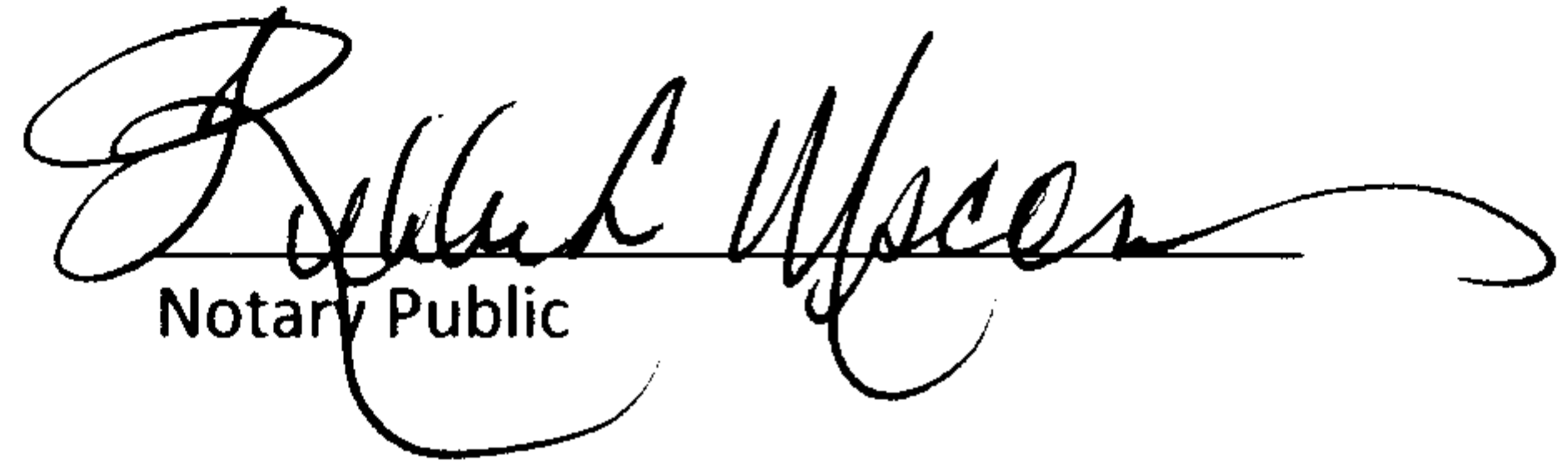
Auctioneer Conduction Said Sale


20121217000479030 2/3 \$33.50
Shelby Cnty Judge of Probate, AL
12/17/2012 08:34:47 AM FILED/CERT

State of Alabama
Jefferson County


I, the undersigned Notary Public in and for said State and County, hereby certify that William L. McCarty, who is named as Auctioneer and Attorney in fact for the Mortgagee and as the person conducting the sale, is signed to the foregoing conveyance and who is known to me, acknowledged before me this day that being informed of the content of the conveyance, he, in his capacity as Attorney in fact and Auctioneer and the person conducting the sale, and with full authority, executed this instrument voluntarily on the day the same bears date.

Given under my hand and official seal this the 7th Day of December, 2012.


Notary Public

My Commission Expires: **4-27-14**

THIS INSTRUMENT PREPARED BY:
Trimmier, LLC
PO Box 1885
Birmingham, AL 35201


20121217000479030 3/3 \$33.50
Shelby Cnty Judge of Probate, AL
12/17/2012 08:34:47 AM FILED/CERT