


Send tax notice to:

Old Cahaba Land Holdings, LLC
120 Bishop Circle
Pelham, Alabama 35124
Attn: J.R. Adams


20130702000271020 1/7 \$40.00
Shelby Cnty Judge of Probate, AL
07/02/2013 11:25:45 AM FILED/CERT

STATE OF ALABAMA)
 :
SHELBY COUNTY)

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, **AMERICAN HOMES AND LAND CORPORATION**, a Georgia corporation, entered into that certain Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (Alabama) dated June 2, 1999 (the "Mortgage") in favor of NEW SOUTH FEDERAL SAVINGS BANK, a federal banking corporation ("New South"), said Mortgage being recorded in the Office of the Judge of Probate of Shelby County, Alabama, as Instrument #1999-23335, as said Mortgage was assigned by FEDERAL DEPOSIT INSURANCE CORPORATION ("FDIC"), as Receiver for New South, to BEAL BANK pursuant to that certain Assignment of Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (Alabama) dated June 28, 2010, which was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #20100727000239550, as said Mortgage was further assigned by BEAL BANK to PROPERTY ACCEPTANCE CORP. ("PAC") pursuant to that certain Assignment of Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (Alabama) dated June 28, 2010, which was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #20100727000239560, as said Mortgage was further assigned by PAC to LPP MORTGAGE LTD. ("LPP") pursuant to that certain Assignment of Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement (Alabama) dated June 28, 2010, which was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #20100727000239570, and as said Mortgage was further assigned by LPP to **OLD CAHABA LAND HOLDINGS, LLC**, an Alabama limited liability company ("Mortgagee") pursuant to that certain Absolute Assignment of Mortgage dated as of April 25, 2013, which was recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #20130430000175830; and

WHEREAS, default was made in the payment of said indebtedness secured by the Mortgage, and Mortgagee did declare all of the indebtedness secured by the Mortgage due and payable and did give due and proper notice of the foreclosure of the Mortgage in accordance with the terms thereof and as required by law by publication in the *Shelby County Reporter*, a newspaper of general circulation published in Shelby County, Alabama, in its issues of June 5, 12 and 18, 2012 and, with respect to the postponement and rescheduling of said foreclosure, in its issue of June 26, 2013; and

WHEREAS, on July 2, 2013, the day on which the foreclosure sale was to be held according to said notice, beginning at 11:00 a.m., said foreclosure sale was duly and properly conducted, and

the Mortgagee did offer for sale and did sell at public outcry, in front of the main door to the Courthouse of Shelby County, Alabama, the property described below (the "Property"); and

WHEREAS, the highest and best bid obtained for the Property was the bid of Mortgagee in the amount of Two Million Four Hundred Eighty-Four Thousand Eight Hundred Nine and 04/100 Dollars (\$2,484,809.04), which sum was to be credited to the indebtedness secured by the Mortgage, and the Property was thereupon sold to Mortgagee; and

WHEREAS, J. Keith Windle conducted said sale on behalf of the Mortgagee; and

WHEREAS, the Mortgage expressly authorized the person conducting said sale to execute to the purchaser at said sale a deed to the Property;

NOW, THEREFORE, in consideration of the premises and of a credit in the amount of Two Million Four Hundred Eighty-Four Thousand Eight Hundred Nine and 04/100 Dollars (\$2,484,809.04) to the indebtedness secured by the Mortgage, the Mortgagee, by J. Keith Windle, its duly authorized agent and auctioneer conducting said sale, does hereby grant, bargain, sell, and convey unto Mortgagee the following described property situated in Shelby County, Alabama, to-wit:

SEE EXHIBIT A ATTACHED HERETO

TO HAVE AND TO HOLD unto **OLD CAHABA LAND HOLDINGS, LLC**, an Alabama limited liability company, forever; subject, however, to the statutory right of redemption in favor of those who may be entitled to redeem the Property as provided by the laws of the State of Alabama.

THE PROPERTY IS SOLD IN ITS "AS-IS" CONDITION, WITHOUT ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO ITS CONDITION OR THE TITLE THERETO.

[Signature page follows.]

IN WITNESS WHEREOF, the Mortgagee by J. Keith Windle, as auctioneer conducting said sale, caused these presents to be executed on this the 2nd day of July, 2013.

OLD CAHABA LAND HOLDINGS, LLC

By: J. Keith Windle
J. Keith Windle
Agent and Auctioneer

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that J. Keith Windle, whose name as auctioneer and agent for Old Cahaba Land Holdings, LLC, an Alabama limited liability company, 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 agent, and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and seal this the 2nd day of July, 2013.

Charlynn Lane Henderson
Notary Public

[NOTARIAL SEAL]

My commission expires **NOTARY PUBLIC STATE OF ALABAMA AT LARGE**
MY COMMISSION EXPIRES: June 1, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument prepared by:
J. Keith Windle
Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203-2104

EXHIBIT A

Legal Description

A parcel of land situated in Sections 19, 20 and 30, Township 20 South, Range 3 West and Section 25, Township 20 South, Range 4 West in Shelby County, Alabama, being more particularly described as follows:

Begin at a 3" capped iron found at the northeast corner of Section 20, Township 20 South, Range 3 West and run south 0°-00'-26" west for a distance of 2676.15 feet to a 3" capped iron locally accepted to be at the southeast corner of the northeast quarter of said Section 20; thence run north 88°-46'-03" west for a distance of 1312.22 feet to a 3" capped iron locally accepted to be at the southwest corner of the southeast quarter of the northeast quarter of said Section 20; thence run south 0°00'45" west for a distance of 1333.63 feet to a 3" capped iron locally accepted to be at the southeast corner of the northwest quarter of the southeast quarter of said Section 20; thence run north 88°-29'-39" west for a distance of 1314.43 feet to a 3" capped iron locally accepted to be at the southwest corner of the northwest quarter of the southeast quarter of said Section 20; thence run south 0°-03'-02" west for a distance of 1331.67 feet to a 3" capped iron locally accepted to be at the southeast corner of the southwest quarter of said Section 20; thence run north 88°-22'-26" west for a distance of 2629.79 feet to a 3" capped iron locally accepted to be at the southwest corner of said Section 20; thence run south 0°-11'-28" west for a distance of 1320.14 feet to a 3" capped iron locally accepted to be at the southeast corner of the northeast quarter of the northeast quarter of said Section 30; thence run south 89°-42'-33" west for a distance of 1312.29 feet to a 3" capped iron locally accepted to be at the southwest corner of said quarter-quarter section; thence run south 0°-14'47" west for a distance of 2649.32 feet to a 3" capped iron locally accepted to be at the southeast corner of the northwest quarter of the southeast quarter of said Section 30; thence run south 89°-47'-09" west for a distance of 1315.02 feet to a 3" capped iron locally accepted to be at the southwest corner of said quarter-quarter section; thence run south 00°-18'35" west for a distance of 1322.52 feet to a 3" capped iron locally accepted to be at the southeast corner of the southwest quarter of said Section 30; thence run south 89°-54'-30" west for a distance of 1805.08 feet, more or less, to be the center line of the Cahaba River; thence run along the meandering of the centerline of the Cahaba River in a generally northeasterly direction for a distance of 20,000 feet, more or less, to a point of intersection with the southeasterly right-of-way line of Shelby County Highway No. 52; thence turn an angle to the right and run in a northeasterly direction along the southeasterly right-of-way line of Shelby County Highway No. 52 for a distance of 3000 feet, more or less, to a point of intersection with the north line of Section 20, Township 20 South, Range 3 West, Shelby County, Alabama; thence turn an angle to the right and run in an easterly direction along the north line of said Section 20 for a distance of 2765.99 feet, more or less, to the point of beginning.

Less and except those parcels as described in Instrument 1997-37337, Instrument 1998-44665 and 20030509000286340, as recorded in the Office of the Judge of Probate, Shelby County, Alabama.

And also less and except the following subdivisions from the above described legal:

All Lots in the Survey of First Addition Old Cahaba Phase III as recorded in Map Book 28, page 133, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Second Addition Old Cahaba Phase III as recorded in Map Book 29, page 33, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV First Addition as recorded in Map Book 33, page 80, in the Office of the Judge of Probate of Shelby County, Alabama

All Lots in the Survey of Old Cahaba IV Second Addition - Phase One as recorded in Map Book 33, page 110, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition - Phase Two as recorded in Map Book 33, page 129, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition - Phase Three as recorded in Map Book 33, page 130, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition - Phase Four as recorded in Map Book 33, page 131, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition - Phase Five as recorded in Map Book 34, page 53, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition - Phase Six as recorded in Map Book 34, page 67, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition - Phase Seven as recorded in Map Book 34, page 103, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV First Addition and Second Addition Phase One Lake Access as recorded in Map Book 34, page 104, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba IV Second Addition Phase Four Lake Access as recorded in Map Book 34, page 105, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Resurvey of Lots 1522 & 1523 Old Cahaba IV Second Addition Phase Four and Lots 1522A and 1523A Old Cahaba IV Second Addition Phase Four Lake Access as recorded in Map Book 35, page 33, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba V First Addition as recorded in Map Book 35, page 120, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba V Second Additions recorded in Map Book 36, page 105-A and 105-B, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba V Third Addition as recorded in Map Book 37, page 6A and 6B, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Resurvey of Lots 1923, 1924, 1932 & Pump Lot of Old Cahaba V First Addition as recorded in Map Book 37, page 52, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba V Fifth Addition as recorded in Map Book 37, page 53, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba V Sixth Addition as recorded in Map Book 37, page 62, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Old Cahaba V Fourth Addition as recorded in Map Book 37, page 136, in the Office of the Judge of Probate of Shelby County, Alabama.

All Lots in the Survey of Resurvey Lots 1914, 1915 & 1916 Old Cahaba V First Addition as recorded in Map Book 38, page 46, in the Office of the Judge of Probate of Shelby County, Alabama.

And also less and except the following:

All lots in the Survey of Old Cahaba IV First Addition and Second Addition Phase One, Lake Access, Map Book 34, Page 104.

All lots in the Survey of Old Cahaba IV Second Addition, Phase Four, Lake Access, Map Book 34, Page 105.

Lot 920 in the Survey of Old Cahaba Sector 9, Map Book 26, Page 149.

All lots in the Resurvey of Lots 1522 and 1523, Old Cahaba IV Second Addition Phase Four and Lots 1522A and 1523A, Old Cahaba IV Second Addition, Phase Four, Lake Access, Map Book 35, Page 33.

Lots 1021, 1022, 1023, in the Survey of Old Cahaba, 10th Sector-Phase One, Map Book 26, Page 150.

Lot 1124, in the Survey of First Addition, Old Cahaba Phase III, Map Book 28, Page 133.

Lot 1125 (Common Area) in the Survey of First Addition, Old Cahaba Phase III, Map Book 28, Page 133.

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name American Homes and Land Grantee's Name Old Cahaba Land
Mailing Address Corporation Mailing Address Holdings, LLC
% Old Cahaba Land Holdings, LLC 120 Bishop Circle
120 Bishop Circle Prichard, Alabama 35124
Property Address Multiple Properties Date of Sale July 2, 2013
Total Purchase Price \$ 2,484,809.04
or
Actual Value \$
or
Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale ☐ Appraisal
☐ Sales Contract ☒ Other Foreclosure Bid
☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 7/2/2013

Print J. Keith Winkle

Sign J. Keith Winkle

Unattested

(Grantor/Grantee/Owner/Agent) circle one

Grantee's Attorney

Form RT-1



20130702000271020 7/7 \$40.00
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