

20170922000346620  
09/22/2017 02:31:26 PM  
FCDEEDS 1/3

**SEND TAX NOTICES TO:**

SouthPoint Bank  
3500 Colonnade Parkway  
Suite 140  
Birmingham, AL 35243

**MORTGAGE FORECLOSURE DEED**

STATE OF ALABAMA  
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS that on 9<sup>th</sup> day of January, 2015, Kelly Montgomery Rusert (formerly Kelly Montgomery) executed and delivered to SouthPoint Bank an Accommodation Future Advance Mortgage, Assignment of Rents and Leases and Security Agreement on certain real property, which is recorded as Instrument No. 20150121000021590 in the Office of the Judge of Probate of Shelby County, Alabama, as modified and corrected by that certain Schrivener's Affidavit, which is recorded as Instrument No. 20170908000328460 in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, default was made, and the Mortgage was subject to foreclosure because of said default.

WHEREAS, in said Mortgage, the mortgagee was authorized and empowered, in case of default, to sell the real property. Said Mortgage also provided that the mortgagee, after having given notice of the time, place and terms of sale prior to said sale, is empowered and authorized to execute title to the purchaser of said real property at said sale.

WHEREAS, default having been made, SouthPoint Bank did declare all of the indebtedness secured by said Mortgage due and payable and declared the real property subject to foreclosure. As provided in the said Mortgage, SouthPoint Bank gave due and proper notice of foreclosure of said Mortgage by publishing a Notice of Foreclosure Sale in the , a newspaper published in Shelby County Reporter in Shelby County, Alabama, in the issues on August 30, 2017; September 6, 2017; and September 13, 2017.

WHEREAS, on September 20, 2017, the date on which the foreclosure sale was due to be held under the terms of said notice and during the legal hours of sale, foreclosure was duly and properly conducted, and SouthPoint Bank did offer for sale and did sell at public outcry before the Shelby County Courthouse Door, Columbiana Alabama, the property hereinafter described.

WHEREAS, the highest bidder was SouthPoint Bank (the "Grantee") for a high bid of \$442,000.00, whereupon the property was knocked down to said highest bidder.

NOW, THEREFORE, for and in consideration of the sum of Four Hundred Forty Two and 00/100 DOLLARS (\$442,000.00) credited to said indebtedness, SouthPoint Bank does hereby grant, convey, sell, transfer and deliver unto the Grantees and their assigns, the real property described on Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the above described property unto the said Grantees or their assigns forever; subject, however, to the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama. However, it is expressly stipulated and agreed, that this conveyance is made without representation, warranty or recourse, express or implied, as to title, use and/or enjoyment of the real property described above. This conveyance is also made without representation, warranty or recourse, express or implied, as to unpaid taxes (ad valorem or otherwise, if any) and is made subject to the statutory right of redemption.

IN WITNESS WHEREOF, SouthPoint Bank has caused this conveyance to be executed by its attorney and auctioneer.

Done at Birmingham, Alabama, as and for the official act of said SouthPoint Bank on this 20<sup>th</sup> day of September, 2017.

SouthPoint Bank

By

  
Jonathan E. Raulston  
Attorney and Auctioneer

STATE OF ALABAMA  
COUNTY OF JEFFERSON

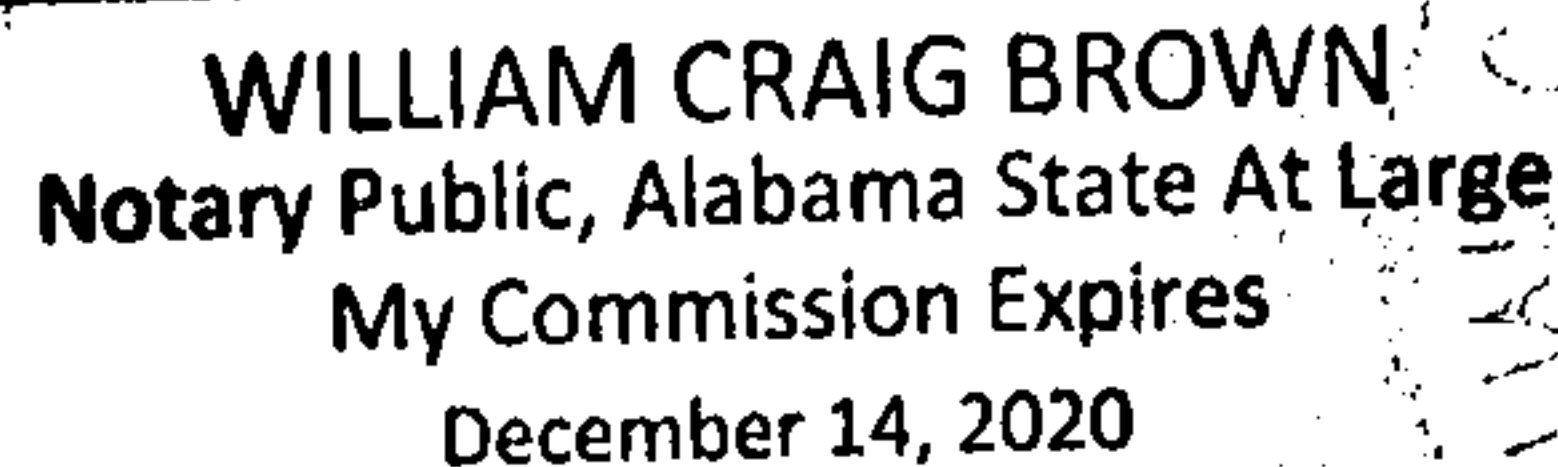
I, the undersigned, a Notary Public in and for said County in said State hereby certify that Jonathan E. Raulston, whose name as Attorney and Auctioneer of SouthPoint Bank. is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he, in his capacity as such attorney and auctioneer, with full authority executed the same voluntarily for and as the act of SouthPoint Bank.

GIVEN UNDER MY HAND and seal at Birmingham, Alabama on September 22, 2017.

  
Notary Public

My Commission Expires: 12/14/2020

This Instrument was prepared by:  
Stephanie J. Gossett  
ENGEL, HAIRSTON AND JOHANSON, P.C.  
Post Office Box 11405  
Birmingham, Alabama 35202  
(205) 328-4600

  
WILLIAM CRAIG BROWN  
Notary Public, Alabama State At Large  
My Commission Expires  
December 14, 2020

## EXHIBIT "A"

A parcel of land being acreage in the West 1/2 of the Southwest 1/4 of Section 32, Township 19 South, Range 1 East and in the East 1/2 of Southeast 1/4 of Section 31, Township 19 South, Range 1 East, and Lots 1, 2, 3 and 5 of Metzger Subdivision, as recorded in Map Book 40, Page 26, in the Office of the Judge of Probate of Shelby County Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of Section 31, Township 19 South, Range 1 East, Shelby County, Alabama; thence North 03 degrees 36 minutes 12 seconds West, a distance of 246.78 feet; thence North 04 degrees 32 minutes 16 seconds West, a distance of 73.82 feet to the POINT OF BEGINNING; thence South 89 degrees 58 minutes 10 seconds West, a distance of 293.70 feet; thence South 00 degrees 36 minutes 52 seconds East, a distance of 161.34 feet; thence South 45 degrees 47 minutes 48 seconds West, a distance of 318.75 feet; thence South 52 degrees 00 minutes 26 seconds East, a distance of 287.34 feet to a curve to the right, having a radius of 1000.00, a central angle of 05 degrees 14 minutes 10 seconds, and subtended by a chord which bears South 49 degrees 23 minutes 21 seconds East, and a chord distance of 91.36 feet; thence along the arc of said curve, a distance of 91.39 feet; thence South 45 degrees 24 minutes 12 seconds East, a distance of 94.20 feet to a curve to the left, having a radius of 1000.00, a central angle of 06 degrees 48 minutes 02 seconds, and subtended by a chord which bears South 48 degrees 48 minutes 13 seconds East, and a chord distance of 118.62 feet; thence along the arc of said curve, a distance of 118.69 feet; thence South 52 degrees 12 minutes 15 seconds East, a distance of 163.12 feet; thence South 49 degrees 49 minutes 54 seconds East, a distance of 193.85 feet; thence South 47 degrees 35 minutes 24 seconds East, a distance of 188.96 feet; thence South 45 degrees 55 minutes 49 seconds East, a distance of 367.89 feet; thence North 13 degrees 25 minutes 30 seconds East, a distance of 609.37 feet; thence North 76 degrees 32 minutes 51 seconds West, a distance of 259.73 feet; thence North 21 degrees 07 minutes 04 seconds East, a distance of 202.54 feet; thence South 63 degrees 29 minutes 33 seconds East, a distance of 252.64 feet to a non-tangent curve to the right having a radius of 520.44, a central angle of 32 degrees 43 minutes 04 seconds, and subtended by a chord which bears North 42 degrees 50 minutes 57 seconds East, and a chord distance of 293.17 feet; thence along the arc of said curve, a distance of 297.19 feet to a reverse curve to the left, having a radius of 638.00, a central angle of 16 degrees 30 minutes 17 seconds, and subtended by a chord which bears North 50 degrees 58 minutes 39 seconds East, and a chord distance of 183.15 feet; thence along the arc of said curve, a distance of 183.78 feet; thence North 42 degrees 42 minutes 53 seconds East, a distance of 272.78 feet; thence North 08 degrees 52 minutes 13 seconds West, a distance of 124.22 feet; thence South 89 degrees 32 minutes 43 seconds West, a distance of 1308.06 feet to the POINT OF BEGINNING.

Situated in Shelby County, Alabama



Filed and Recorded  
Official Public Records  
Judge James W. Fuhrmeister, Probate Judge,  
County Clerk  
Shelby County, AL  
09/22/2017 02:31:26 PM  
\$22.00 CHERKY  
20170922000346620

*James W. Fuhrmeister*

SUBJECT TO: i) Taxes and assessments for the year 2017, and subsequent years, not yet due and payable; ii) Easements, restrictions and setback lines as shown on recorded map as set out in Map Book 40, Page 26; iii) Right of way granted to Alabama Power Company as set out in instrument(s) recorded in Deed Book 133, Page 62; Instrument #1994-34846, and Instrument #20120209000048340; iv) Right of way granted to Colonial Pipeline as recorded in Deed Book 220, Page 925; v) Easement to Joe McClanahan as shown in instrument recorded in Deed Book 263, Page 886; vi) Easement to Wade Johnson as shown in instrument recorded in Real Book 233, Page 504 and Real Book 237, Page 320; vii) Right of way granted to Alabama Power Company as set out in instrument(s) recorded in Instrument #20160224000057200 and Instrument #20160926000350340.