STATE OF ALABAMA)

COUNTY OF SHELBY)

AFFIDAVIT OF ERRONEOUS SATISFACTION OF RECORDED MORTGAGE

Comes now, Stephen J. Tyde, Jr. as Principal – Head of Special Servicing, of Toorak Capital Partners, LLC, a Delaware limited liability company, and states as follows:

- 1. On or about August 26, 2022, **WCB Realty Company, LLC** executed a Mortgage, Assignment of Rents and Security Agreement (the "<u>Mortgage</u>") in favor of Commercial Lender, LLC. Said Mortgage was recorded in **Instrument 20220908000349850** in the Probate Office of Shelby County, Alabama.
- 2. On or about December 16, 2022, said Mortgage was transferred and assigned to **Toorak Capital Partners**, LLC, as recorded in **Instrument 20221216000453310**, in the Probate Office of Shelby County, Alabama.
- 3. On or about February 20, 2024, said Mortgage was foreclosed by **Toorak Capital Partners, LLC**, in favor of the winning bidder, **JHL Realty, LLC**, by that certain Mortgage Foreclosure Deed recorded in **Instrument 20240228000051850** in the Probate Office of Shelby County, Alabama.
- 4. On or about April 4, 2024, subsequent to the above Mortgage Foreclosure Deed, the Mortgage recorded in Instrument 20220908000349850 was released of record by Toorak Capital Partners, LLC by Satisfaction of Recorded Mortgage (the "Satisfaction") recorded in Instrument 20240404000094430.
- 5. This affidavit is being given to state that the Satisfaction recorded in Instrument 20240404000094430 was recorded in error, and that Toorak Capital Partners, LLC gives affirmative confirmation that said Satisfaction was recorded in error and the prior mortgage foreclosure sale has not been set aside or invalidated in any way.
- 6. That this affidavit is given for the benefit of Land Title Company of Alabama and Chicago Title Insurance Company, and that Land Title Company of Alabama and Chicago Title Insurance Company is entitled to rely on the facts herein stated in connection with the issuance of one or more title insurance policies pertaining to the Property.
- 7. That Affiant has not and will not, from and after the effective date of the Commitment through and including the date and time of the recording of documents necessary to effectuate the transaction evidenced by the Commitment, cause or permit to arise any matter contrary to any statement made herein.

Prepared by: Luck A. Henderson 3 Office Park Cir., Ste. 105
Birmingham, Al. 35223

IN WITNESS WHEREOF, the said affiant has set his hand and seal this day of September, 2024.

TOORAK CAPITAL PARTNERS, LLC

By: Name: Stephen J. Tyde, Jr.

Its: Principal – Head of Special Servicing

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

I, the undersigned, a Notary Public, in and for said county, in said state, hereby certify that, Stephen J. Tyde, Jr., as Principal - Head of Special Servicing of Toorak Capital Partners, LLC whose name 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, Stephen J. Tyde, Jr. in his capacity as Principal - Head of Special Servicing and with full authority, executed the same voluntarily for and as the act of said limited

My Commission Expires:

Notary Public

Notary Public State of Florida Matthew Coll My Commission HH 522898 Expires 5/1/2028



Filed and Recorded Official Public Records Judge of Probate, Shelby County Alabama, County Clerk **Shelby County, AL** 10/15/2024 11:10:09 AM **\$30.00 DANIEL**

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