

DOCN 000128
FILED IN OFFICE
01/15/2015 08:30 AM
BK:1118 PG:54-57
BECKY ROBINSON
CLERK OF SUPERIOR COURT
HARALSON COUNTY

PT # 071-2015-00003a
HARALSON COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 0
DATE 1-15-2015

Becky Robinson
CLERK OF SUPERIOR COURT

After Recording Return to:
Nicholas N. Sears, Esq.
Morris, Manning & Martin, L.L.P.
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326

STATE OF GEORGIA)
)
COUNTY OF HARALSON)

DEED UNDER POWER OF SALE

This instrument made and executed as of the 6th day of January, 2015.

WITNESSETH:

THAT WHEREAS, on the 6th day of January, 2015, during the legal hours of sale, WEST COAST FUND, LLC, an Arizona limited liability company ("Lender"), as attorney-in-fact for Edward C. Heath and C. Ray Sewell (collectively, the "Grantor"), did expose for sale at public outcry, to the highest bidder for cash, before the courthouse door in Haralson County, Georgia, the Premises (hereinafter defined) at which sale West Coast Fund, LLC ("Purchaser") was the highest and best bidder at and for Six Hundred Thousand and No/100 Dollars (\$600,000.00) (the "Purchase Price"), and the Premises were then and there knocked off to Purchaser. The sale was made under and by virtue of the power and authority granted to Lender in that certain Consumer Deed to Secure Debt from Grantor to and in favor of First Georgia Banking Company (the "Original Lender"), dated December 3, 2004, and recorded in Deed Book 773, Page 371, Haralson County, Georgia records, as modified by that certain Modification of Deed to Secure Debt dated January 12, 2007, recorded in Deed Book 889, Page 333, aforesaid records, as further modified by that certain Modification Agreement - Security Deed dated January 9, 2008, recorded in Deed Book 940, Page 190, aforesaid records, as further modified by that certain Modification Agreement - Security Deed dated February 23, 2009, recorded in Deed Book 979, Page 151, aforesaid records, as further modified by that certain Modification Agreement - Security Deed dated June 29, 2009, recorded in Deed Book 988, Page 295,

9173533 VI

aforesaid records, as further modified by that certain Modification Agreement – Security Deed dated August 25, 2009, recorded in Deed Book 993, Page 228, aforesaid records, as further modified by that certain Modification Agreement – Security Deed dated April 30, 2010, recorded in Deed Book 1011, Page 440, aforesaid records, and as further modified by that certain Modification Agreement – Security Deed dated September 30, 2010, recorded in Deed Book 1021, Page 44, aforesaid records, as transferred and assigned by the Federal Deposit Insurance Corporation (“FDIC”), as Receiver for Lender, to CRE VENTURE 2011-2, LLC, a Delaware limited liability company, by that certain Assignment of Real Estate Deed to Secure Debt effective as of December 13, 2011, and recorded in Deed Book 1048, Page 508, aforesaid records, and as further assigned to Lender by that certain Assignment of Consumer Deed to Secure Debt, dated June 27, 2014, and recorded in Deed Book 1107, Page 86, aforesaid records, and re-recorded in Deed Book 1110, Page 669, aforesaid records (as assigned and modified, the “Security Deed”).

The sale was made after advertising the time, place and terms thereof in *The Haralson Gateway-Beacon*, having general circulation in Haralson County, Georgia and being the publication in which Sheriff’s advertisements for the county are published, once a week for four (4) weeks prior to the sale. The advertisement complied in all respects with the requirements of the power of sale contained in the Security Deed. Notice to Grantor, in compliance with O.C.G.A. Section 44-14-162.2, was given. The sale was made for the purpose of paying the indebtedness, or a portion thereof, due to Lender, secured by the Security Deed, and the expenses of the sale, all of which was mature and payable because of default of Grantor in the payment of that certain Commercial Promissory Note from Grantor, now held by Lender dated September 30, 2010, in the original principal sum of Five Hundred Eighteen Thousand Eight Hundred Twenty One and 90/100 Dollars (\$518,821.90) (the “Note”), secured by the Security Deed.

NOW, THEREFORE, Lender, acting under and by virtue of the power of sale contained in the Security Deed and in consideration of the Purchase Price paid for the Premises by virtue of the public sale aforesaid, and in consideration of the facts hereinbefore recited, has bargained, sold and conveyed and does hereby bargain, sell and convey unto Purchaser, having an address of 15210 N. Scottsdale Road, Suite 230, Scottsdale, AZ 85254, its successors and assigns the following described land, improvements, fixtures and appurtenances, to wit (collectively, the “Premises”):

All that tract or parcel of land lying and being in Land Lot Nos. 230 & 243 of the 7th District, 5th Section, Haralson County, Georgia and being more particularly described on a plat prepared for Eddie Heath by Claud E. Head, Georgia Registered Land Surveyor No. 2428, dated April 9, 2002, containing 21.414 acres, more or less, which plat is recorded in Plat Book 30, Page 169 in the Office of the Clerk of the Superior Court of Haralson County, Georgia, and which plat is by leave of reference incorporated into and made a part of this description. Said plat together with the boundaries, metes, courses, and distances thereon are incorporated herein, and by reference are made a part of the description as fully as if set out herein.

9173533 v1

TOGETHER WITH all and singular the rights, members and appurtenances thereof to the same in any manner belonging or appertaining, to the own proper use, benefit and be hoof of Lender.

TO HAVE AND TO HOLD the Premises unto Purchaser, its successors and assigns, in fee simple. It is the purpose and intent of this instrument to convey all of the right, title, equity, and interest of Grantor, its legal representatives, heirs and assigns and all persons whosoever claiming under them, in and to the Premises.

This Deed is made subject to (1) any and all unpaid taxes and/or assessments relating to the Premises, if any, and (2) any and all prior restrictions, liens, encumbrances, and easements of record relating to the Premises, if any, having priority over the Security Deed and those appearing after the date of the Security Deed which have been consented to by Original Lender or its successors and assigns.

[Signature on Following Page]

9173533 vi

IN WITNESS WHEREOF, the Lender, as attorney-in-fact for Grantor, has hereunto executed this Deed and affixed its seal and delivered this instrument as of the day and year first above written.

GRANTOR:

EDWARD C. HEATH AND C. RAY SEWELL

Signed, sealed and delivered in the presence

of
James Zuehl
Witness

By: WEST COAST FUND, LLC, an Arizona limited liability company, as attorney-in-fact

[Signature]

Notary Public

By: [Signature]
Name: ROBERT B. HELMANN
Title: MANAGER

My Commission Expires: 11/25/2017

[NOTARIAL SEAL OR STAMP]



9173533 v1

SURVEY FOR

EDDIE HEATH

PROPERTY IN LAND LOTS 230 & 243
7th DISTRICT, 5th SECTION
HARALSON COUNTY, GEORGIA

TOTAL AREA
41.966 ACRES

TRACT "3"
0.965 ACRE

R/W VARIES
U.S. HIGHWAY 78

S. HIGHWAY 29
R/W VARIES

GREENWOOD STREET
60' R/W

TRACT "2"
10.288 ACRES

L.L. 230

L.L. 243

TRACT "1"
30.693 ACRES

COUNTY ROAD 361
100' R/W

GEORGIA POWER Co. EASEMENT

GREENWOOD STREET 40' R/W

GEORGIA HARALSON COUNTY
I hereby certify that this instrument
was filed for record in my office
on this 9th day of February 2000
at Rockmart, Georgia.
Clerk of Superior Court

COURSE	BEARING	DISTANCE
L-1	N 84°38'48"W	13.61'
L-2	N 71°45'27"W	57.74'
L-3	N 79°23'30"W	101.94'
L-4	N 83°13'12"W	63.04'

SCALE 1" = 150' FEBRUARY 09, 2000

- NOTES
1. ALL DISTANCES ARE IN FEET UNLESS OTHERWISE SPECIFIED.
 2. ALL BEARINGS ARE TRUE UNLESS OTHERWISE SPECIFIED.
 3. THIS SURVEY WAS CONDUCTED USING A TOTAL STATION.
 4. ALL CORNERS ARE BENCHMARKS UNLESS OTHERWISE SPECIFIED.
 5. EQUIPMENT USED: TOPCON TS-1020
 6. TRAVELER ADJUSTMENT: LEAST SQUARES
 7. THIS PLAN HAS BEEN CALCULATED FROM THE FIELD AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1/1000



HEAD, HATCH, & ASSOCIATES
LAND SURVEYORS
P.O. BOX 301
ROCKMART, GEORGIA 30153
770-684-0724
FILE: 480