

SEND TAX NOTICE TO:
Barclays Capital Real Estate Inc. DBA HomEq Servicing
1100 Corporate Center Drive
Raleigh, NC 27607

(#0322929118)

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 5th day of November, 2004, Enock M. Nyakundi and wife, Caroline Waweru, by virtue of survivorship deed, executed that certain mortgage on real property hereinafter described to Argent Mortgage Company, LLC, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 2004116000631070, said mortgage having subsequently been transferred and assigned to Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1 ("Transferee"); and

WHEREAS, in and by said mortgage, the Transferee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, according to the terms thereof, to sell said property before the Courthouse door in the City of Columbiana, Shelby County, Alabama, after giving notice of the time, place, and terms of said sale in some newspaper published in said County by publication once a week for three (3) consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in same, the Transferee or any person conducting said sale for the Transferee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Transferee may bid at the sale and purchase said property if the highest bidder thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1 did declare all of the indebtedness secured by said mortgage, subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, in its issues of December 17, 2008, December 24, 2008, and December 31, 2008; and

WHEREAS, on January 20, 2009, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure was duly conducted, and Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1 did offer for sale and sell at public outcry in front of the Courthouse door in Columbiana, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Aaron Warner was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1; and

WHEREAS, Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1, was the highest bidder and best bidder in the amount of One Hundred Twelve Thousand One Hundred Fifty And 93/100 Dollars (\$112,150.93) on the indebtedness secured by said mortgage, the said Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1, by and through Aaron Warner as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 214, according to the Survey of Savannah Pointe, Sector II, Phase IV, as recorded in Map Book 29, Page 45, in the Probate Office of Shelby County, Alabama.

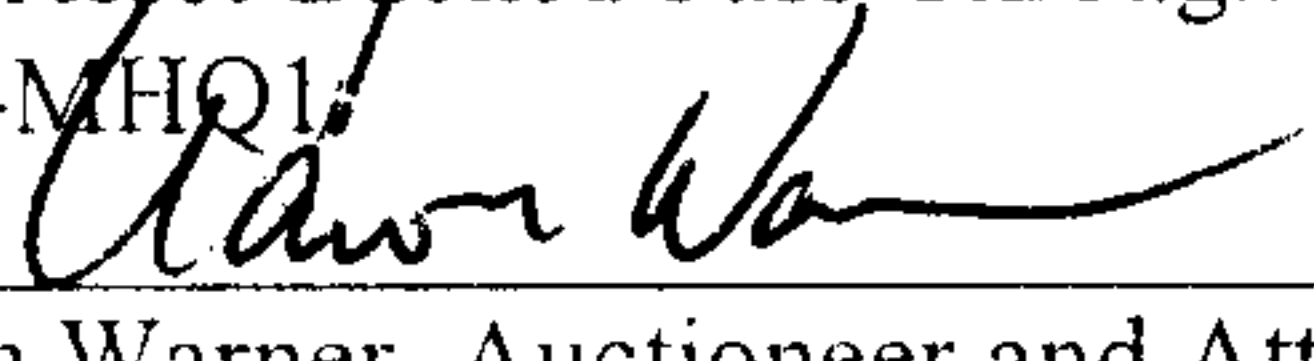
TO HAVE AND TO HOLD the above described property unto Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1 its successors/heirs and assigns, forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama; and also subject to all recorded mortgages, encumbrances, recorded or unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record in the aforesaid Probate Office.

IN WITNESS WHEREOF, Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1, has caused this instrument to be executed by and through Aaron Warner, as auctioneer conducting said sale and as attorney-in-fact



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Shelby Cnty Judge of Probate, AL
02/04/2009 10:56:45AM FILED/CERT

for said Transferee, and said Aaron Warner, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this January 20, 2009.

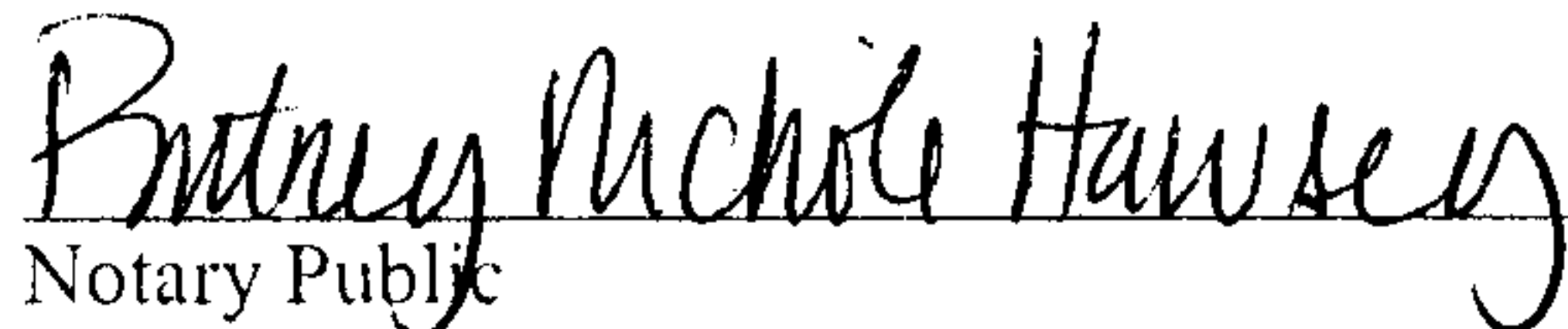
Wells Fargo Bank, N.A. as Trustee under Pooling
and Servicing Agreement Dated as of October 1,
2004 Asset-Backed Pass-Through Certificates Series
2004-MHQ1.
By: 
Aaron Warner, Auctioneer and Attorney-in-Fact

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Aaron Warner, whose name as acting in its capacity as auctioneer and attorney-in-fact for Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of October 1, 2004 Asset-Backed Pass-Through Certificates Series 2004-MHQ1, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Transferee acting in its capacity as auctioneer and Attorney-in-fact for said Transferee.

Given under my hand and official seal on this January 20, 2009.


Notary Public

My Commission Expires: MY COMMISSION EXPIRES FEBRUARY 26, 2012

This instrument prepared by:
Cynthia W. Williams
SIROTE & PERMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727