

**THIS INSTRUMENT
WAS PREPARED BY:**

Ryan Newberry
Trustee Management Company
10975 El Monte, Suite 225
Overland Park, KS 66211
(913) 383-8922



20090911000348740 1/3 \$439.50
Shelby Cnty Judge of Probate, AL
09/11/2009 01:14:05 PM FILED/CERT

Shelby County, AL 09/11/2009

State of Alabama

Deed Tax : \$422.50

STATE OF ALABAMA)
COUNTY OF Shelby)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that,

WHEREAS, heretofore, on to-wit: March 10, 2006, H. Browne Mercer and Mary Mercer, husband and wife, Mortgagors, executed a certain mortgage to Mortgage Electronic Registration Systems, Inc., as nominee for Wilmington Finance, Inc. a corporation, said mortgage being recorded in Instrument Number 20060323000136660, on March 23, 2006, in the Office of the Judge of Probate of Shelby County, Alabama; 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, 112 N. Main St., Columbiana, AL 35051, 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 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 Vericrest Financial, Inc., f.k.a. The CIT Group/Consumer Finance, Inc., as transferee, did declare all of the indebtedness secured by the mortgage, due and payable, and said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclose of said mortgage in accordance with the terms thereof, by U.S. Mail and by publication in Shelby County Reporter, a newspaper of general interest and circulation published in Shelby County, Alabama in its issues of July 8, 15, and 22, 2009.

WHEREAS, on July 29, 2009, the day on which the foreclosure sale was due to be held under the terms of said notice between the legal hours of sale, said foreclosure sale was duly and properly conducted, and the said Vericrest Financial, Inc., f.k.a. The CIT Group/Consumer Finance, Inc., as transferee, did offer for sale and sell at public outcry, in front of the Courthouse

door, 112 N. Main St., Columbiana, AL 35051, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, Marcus Clark was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for Vericrest Financial, Inc., f.k.a. The CIT Group/Consumer Finance, Inc.; and

WHEREAS, The Bank of New York Mellon formerly known as The Bank of New York on behalf of CIT Mortgage Loan Trust 2007-1 was the highest and best bidder in the amount of Four Hundred Twenty-Two Thousand Four Hundred Thrity-Six and 00/100 (\$422,436.00) on the indebtedness secured by said mortgage, the said The Bank of New York Mellon formerly known as The Bank of New York on behalf of CIT Mortgage Loan Trust 2007-1, by and through Marcus Clark, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby remise, release, quit claim and convey unto The Bank of New York Mellon formerly known as The Bank of New York on behalf of CIT Mortgage Loan Trust 2007-1 all of its right, title and interest in and to the following described property situated in Shelby County, Alabama, to-wit;

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN SHELBY COUNTY, ALABAMA, TO-WIT:

LOT 32, IN BLOCK 4, ACCORDING TO THE SURVEY OF WYNGATE, FIRST SECTOR, AS RECORDED IN MAP BOOK 11, PAGE 13, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, AND AMENDED BY MAP BOOK 11, PAGE 81, AS RECORDED IN SAID PROBATE OFFICE.

BEING THE SAME PROPERTY CONVEYED TO H. BROWNE MERCER AND WIFE, MARY MERCER BY DEED FROM CENDANT MOBILITY FINANCIAL CORP RECORDED 02/03/2004 AT INSTRUMENT NO. 20040203000055950, IN THE PROBATE JUDGE'S OFFICE FOR SHELBY COUNTY, ALABAMA.

Parcel ID#: 102030002027000

More commonly known as: 3704 Wyngate Cove, Birmingham, AL 35242.

The property is being conveyed herein on an "as is, where is" basis subject to any easements, encumbrances, and exceptions reflected in the mortgage and those contained in the recorded of the Office of the Judge of Probate of the county where the above described property is situated; and furthermore, this property is being without warranty or recourse, express or implied, as to title, use and/or enjoyment and will be subject to the right of redemption of all parties entitled thereto; and by accepting this deed, Grantee releases any and all claims whatsoever against the law firm representing the Grantors hereunder and the auctioneer conducting said foreclosure sale; and furthermore, this conveyance is subject to being declared null and void in the event that the owner or a party claiming through the owner has filed bankruptcy prior to the date of this foreclosure sale.



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TO HAVE AND TO HOLD, the above described property unto the said The Bank of New York Mellon formerly known as The Bank of New York on behalf of CIT Mortgage Loan Trust 2007-1, its successors and 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; also subject to all recorded mortgages, encumbrances, recorded or unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record I the aforesaid Probate Office.

IN WITNESS WHEREOF, the said Vericrest Financial, Inc., f.k.a. The CIT Group/Consumer Finance, Inc., as transferee by and through Marcus Clark as auctioneer conducting said sale and as attorney-in-fact for said mortgagee/transferee caused these presents to be executed on this the 29th day of July, 2009.

Vericrest Financial, Inc., f.k.a. The CIT Group/Consumer Finance, Inc.

By: [Signature],
Auctioneer who conducted said sale and attorney-in-fact

STATE OF Alabama,
COUNTY OF Cullman,

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Marcus Clark, whose name as auctioneer and attorney-in-fact for the said Vericrest Financial, Inc., f.k.a. The CIT Group/Consumer Finance, Inc., 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 this conveyance, he, in his capacity as such auctioneer attorney-in-fact, executed the same voluntarily on the day the same bears date and as the act of said transferee/mortgagee.

Given under my hand and official seal this the 29th day of July, 2009.
[Signature]
Print: Melody Davis
NOTARY PUBLIC

My Commission Expires:
MY COMMISSION EXPIRES 07-27-2011

[seal]

SEND TAX NOTICE TO:

The Bank of New York Mellon f/k/a The Bank of New York on behalf of CIT Mortgage Loan Trust 2007-1
101 Barclay Street, Floor 4 West
New York, NY 10286

After Recording return to: Trustee Management Company 10975 El Monte, Suite 225 Overland Park, KS 66211 (913) 383-8922



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