

VA Form 26-40 (322)
JUNE, 1983.. Use optional Section 1810,
Title 38 U.S.C. Acceptable to
Federal National Mortgage Association

MORTGAGE FORECLOSURE DEED

**STATE OF ALABAMA
COUNTY OF SHELBY**

KNOW ALL MEN BY THESE PRESENTS: That Richard S. Ervin and Lyn A. Ervin, husband and wife, did, on to-wit, January 31, 1996, execute a mortgage to Countrywide Funding Corporation, (now known as Countrywide Home Loans, Inc.), which mortgage is recorded in Instrument No. 1996-04716, et seq., in the Office of the Judge of Probate of Shelby County; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said Countrywide Home Loans, Inc. did declare all of the indebtedness secured by said mortgage due and payable and did give due and proper notice of the foreclosure of said mortgage, in accordance with the terms thereof, by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama, in its issues of December 31, 1997, January 7, and 14, 1998; and

WHEREAS, on January 29, 1998, 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 did offer for sale and did sell at public outcry, in front of the Courthouse door of Shelby County, Alabama, in the City of Columbiana, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of the said Countrywide Home Loans, Inc., in the amount of Fifty Two Thousand, Three Hundred Eight and No/100 (\$52,308.00) Dollars, which sum the said Countrywide Home Loans, Inc. offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said Countrywide Home Loans, Inc.; and

WHEREAS, said mortgage expressly authorized the Mortgagee to bid at the said sale and purchase said property, if the highest bidder therefor, and authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at the sale a deed to the property so purchased;

NOW, THEREFORE, in consideration of the premises and of a credit of Fifty Two Thousand, Three Hundred Eight and No/100 (\$52,308.00) Dollars, on the indebtedness secured by said mortgage, the said Richard S. Ervin and Lyn A. Ervin, acting by and through the said Countrywide Home Loans, Inc. by Michael T. Atcheson, as said Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said Countrywide Home Loans, Inc. by Michael T. Atcheson, as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and Michael T. Atcheson as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto Countrywide Home Loans, Inc., the following described real property situated in Shelby County, Alabama, to-wit:

02/06/1998-04119
09:58 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 NCD 22.00

DATA

Inst # 1998-04119

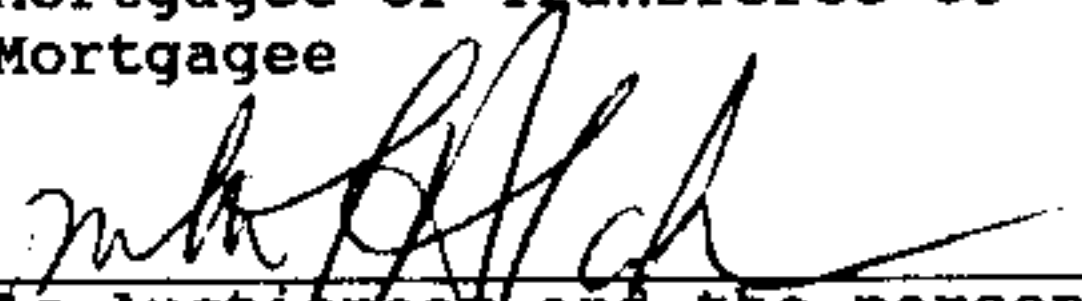
Lot 56, according to a ReSurvey of Lots 1 through 64, 89 through 104 and A through C of Applegate Manor, as recorded in Map Book 10, page 25 in the Probate office of Shelby County, Alabama, being situated in Shelby County, Alabama; together with all of the rights, privileges, easements and appurtenant ownership interest in and to premises previously conveyed by Applegate Realty, Inc. to the Applegate Townhouse Association, Inc. by deed recorded in Probate Office of Shelby County, Alabama, in Real 065, page 201, and as more fully defined in the Declaration of Covenants, Conditions, and Restrictions of Applegate Townhouse recorded in the Probate Office of Shelby County, Alabama, in Real 63, page 634.

TO HAVE AND TO HOLD the above described property unto Countrywide Home Loans, Inc., 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.


IN WITNESS WHEREOF, the said Countrywide Home Loans, Inc., has caused this instrument to be executed by Michael T. Atcheson, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said Michael T. Atcheson has executed this instrument in his capacity as such Auctioneer on this the 29th day of January, 1998.

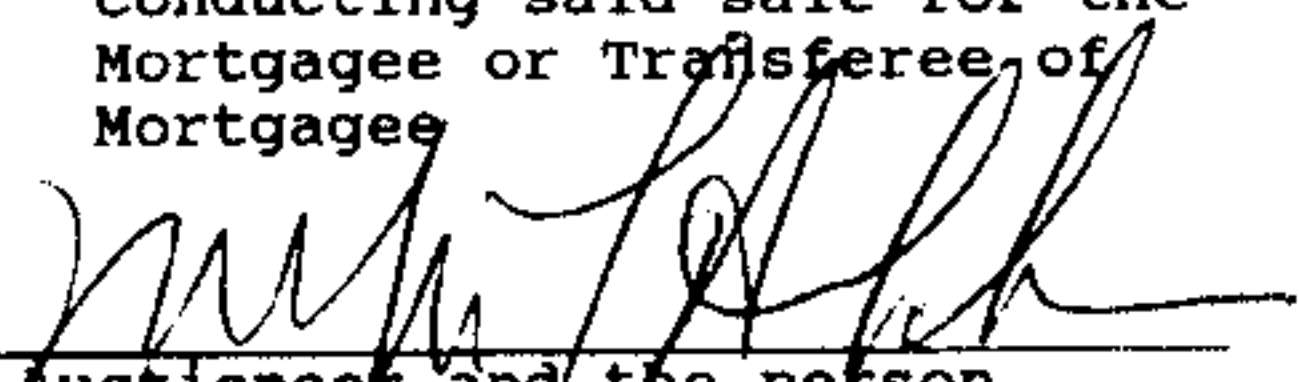
RICHARD S. ERVIN AND
LYN A. ERVIN

BY: COUNTRYWIDE HOME LOANS, INC.
Mortgagee or Transferee of
Mortgagee

BY: 
As Auctioneer and the person
conducting said sale for the
Mortgagee or Transferee of
Mortgagee

COUNTRYWIDE HOME LOANS, INC.
Mortgagee or Transferee of
Mortgagee

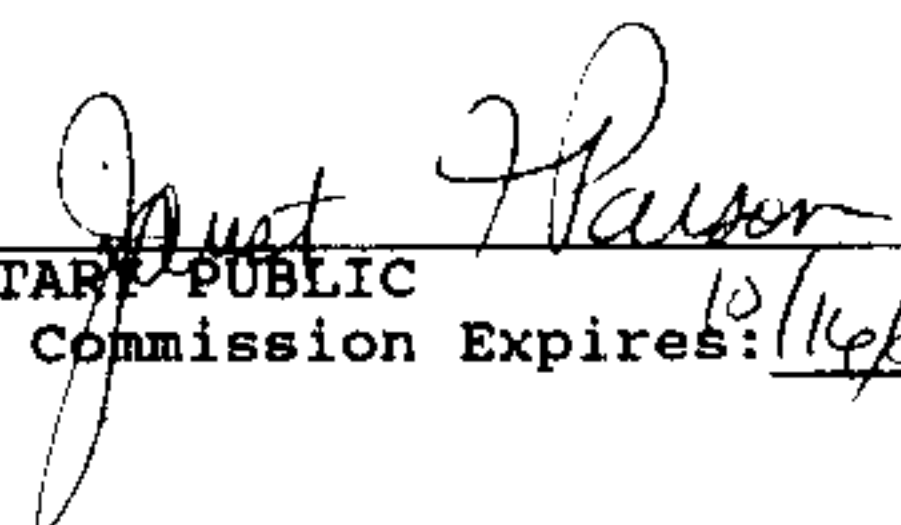
BY: 
As Auctioneer and the person
conducting said sale for the
Mortgagee or Transferee of
Mortgagee


As Auctioneer and the person
conducting said sale for the
Mortgagee or Transferee of
Mortgagee

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Michael T. Atcheson, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, 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 said conveyance, he, in his capacity as such Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority, executed this instrument voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 29th day of January, 1998.


NOTARY PUBLIC
My Commission Expires: 10/14/2000

Grantee's address:

6400 Legacy Drive
Plano, TX 75024

This instrument prepared by:

William S. McFadden
McFADDEN, LYON & ROUSE, L.L.C.
718 Downtowner Boulevard
Mobile, Alabama 36609

United States Bankruptcy Court
NORTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

In re:

ERVIN, LYN ANN

SSN: [REDACTED]

EIN: NA

631 2ND ST NE

ALABASTER, AL 35007

Case No: 97-05129-TBB-7

Chapter: 7

Debtor(s)

DISCHARGE OF THE DEBTOR

It appears that a petition commencing a case under title 11, United States Code, was filed by or against the person named above on July 17, 1997, that an order for relief was entered under chapter 7, and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained];

IT IS ORDERED THAT:

1. The above-named debtor is released from all dischargeable debts.
2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:
 - (a) debts dischargeable under 11 U.S.C. §523;
 - (b) unless heretofore or hereafter determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4), (6) and, in cases originally filed on or after October 22, 1994, (15) of 11 U.S.C. §523(a);
 - (c) debts determined by this court to be discharged.
3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

Dated : 10/24/97

BY:

Original Signature on file
THOMAS B. BENNETT
United States Bankruptcy Judge

WY22
11/17/97UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
DADE DIVISIONCASE NO.: 97-16626-RAM
CHAPTER 7 - DADE

IN RE:

RICHARD SCOTT ERVIN,

Debtor(s).

ORDER GRANTING MOTION TO MODIFY THE AUTOMATIC STAY
FILED BY COUNTRYWIDE HOME LOANS, INC.

This case came on for consideration of the Motion for Stay Relief filed by COUNTRYWIDE HOME LOANS, INC., and/or its assigns.

It is ORDERED that the automatic stay is lifted as to the claim of COUNTRYWIDE HOME LOANS, INC., and/or its assigns and COUNTRYWIDE HOME LOANS, INC., and/or its assigns may proceed with foreclosure of the following described property:

Lot 56, according to a Resurvey of Lots 1 through 64, 89 through 104 and A through C of Applegate Manor, as recorded in Map Book 10, page 25, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama; together with all of the rights, privileges, easements and appurtenant ownership interest in and to premises previously conveyed by Applegate Realty, Inc., to the Applegate Townhouse Association, Inc., by deed recorded in Probate Office of Shelby County, Alabama, in Reel 065, page 201, and as more fully defined in the Declaration of Covenants, Conditions and Restrictions of Applegate Townhouse recorded in the Probate Office of Shelby County, Alabama, in Reel 63, page 634.

RECEIVED
NOV 17 1997

This Order is entered for the sole purpose of allowing movant to obtain an in rem judgment against the property and that movant shall not seek or obtain an in personam judgment against the debtors.

DONE AND ORDERED in the Southern District of Florida, this
12 day of November, 1997.

ROBERT A. MARK

ROBERT A. MARK
United States Bankruptcy Judge

Copies of the foregoing Order Granting Relief of Stay have been furnished by U.S. mail to:

Debtor(s): Richard Scott Ervin, 4181 Malaga Avenue, Coconut Grove, FL 33133

Debtor(s) Attorney: Eric M. Appel, 2247 Palm Beach Lakes Blvd., Suite 230, West Palm Beach, FL 33409

Trustee: Marcia T. Dunn, 3785 NW 82nd Avenue, Suite 117, Miami, FL 33166

United States Trustee, 1401 Federal Building, 51 SW First Avenue, Miami, FL 33130

Movant: COUNTRYWIDE HOME LOANS, INC. c/o Walter R. Moon, 1525 East Robinson Street, Orlando, Florida 32801

Inst # 1998-04119

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SHELBY COUNTY JUDGE OF PROBATE
006 MCD 22.00