

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 THOMAS P. PASSEN and wife ROBERTA P. PASSEN, did, on to-wit, April 30, 1996, execute a mortgage to MortgageAmerica, Inc., which mortgage is recorded in Instrument #1996-14358, et seq., in the Office of the Judge of Probate of Shelby County; which said mortgage was subsequently assigned to NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation by instrument recorded in Instrument #1996-23175 of said Probate Court records; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation 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 July 24th, 31st and August 7th, 2002; and

WHEREAS, on August 26th, 2002, 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 One Hundred Twenty Three Thousand, Three Hundred, Eighty Two dollars and no/100, in the amount of (\$123,382.00) Dollars, which sum the said NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A. (Successor in interest by merger of NationsBanc Mortgage Corporation; 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 \$123,382.00 Dollars, on the indebtedness secured by said mortgage, the said Thomas P. Passen and Roberta P. Passen by and through the said NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation by Michael T. Atchison, as said Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation by Michael T. Atchison, as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee,

✓
Mike Atchison (File)

and Michael T. Atchison as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A. (Successor in interest by merger of NationsBanc Mortgage Corporation, the following described real property situated in Shelby County, Alabama, to-wit:

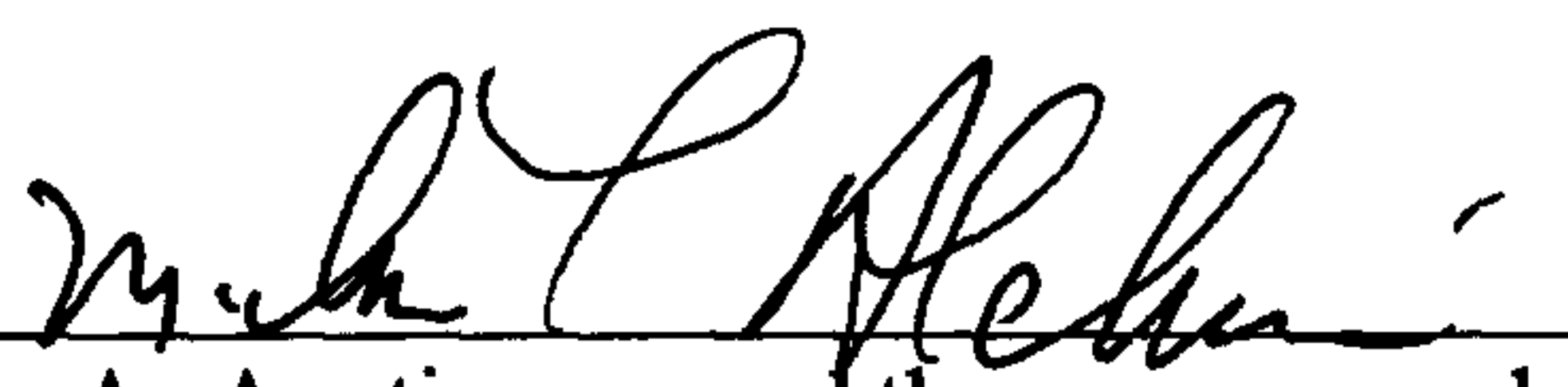
Lot 2, according to the Survey of Southern Hills, Sector 5, as recorded in Map Book 16, Page 132, in the Office of the Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A. (Successor in interest by merger of NationsBanc Mortgage Corporation, 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.

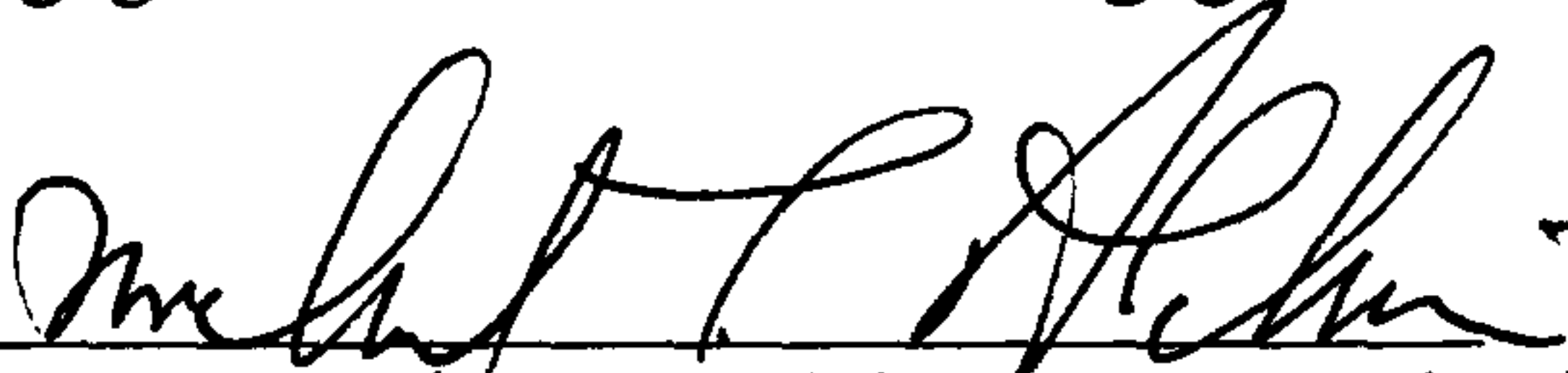
IN WITNESS WHEREOF, the said NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation, has caused this instrument to be executed by Michael T. Atchison, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said Michael T. Atchison has executed this instrument in his capacity as such Auctioneer as of this the 26th day of August, 2002.

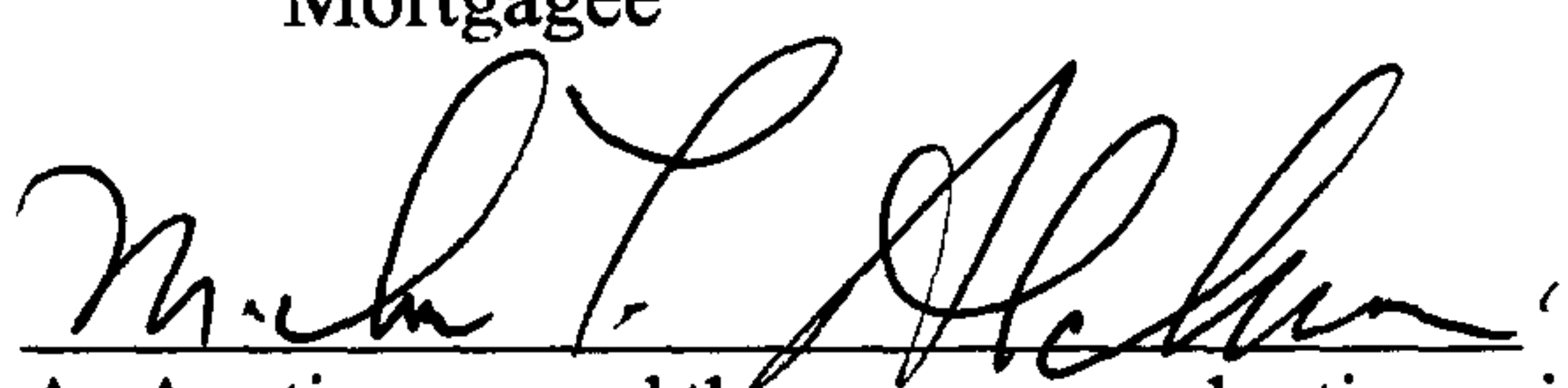
Thomas P. Passen and Roberta P. Passen

BY: NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation Mortgagee or Transferee of Mortgagee

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

NationsBanc Mortgage Corporation, n/k/a BA Mortgage LLC (A Wholly owned subsidiary of Bank of America, N.A.) Successor in interest by merger of NationsBanc Mortgage Corporation Mortgagee or Transferee of Mortgagee

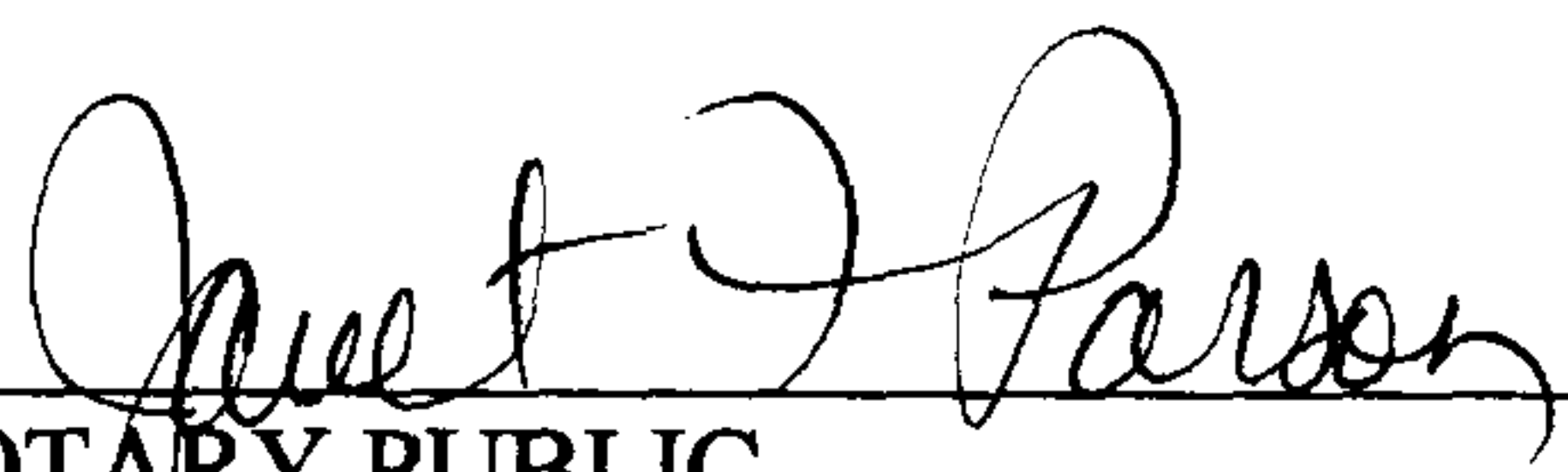
BY: 
As Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee


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. Atchison, 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, she, in her 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 26th day of August, 2002.



NOTARY PUBLIC
My Commission Expires: 10/16/04

Grantee's address:

101 E. Main Street, STE 400
Louisville, KY 40202

This instrument prepared by:

Beth McFadden Rouse
McFADDEN, LYON & ROUSE, L.L.C.
718 Downtowner Boulevard
Mobile, Alabama 36609

20020919000453490 Pg 4/4 21.00
Shelby Cnty Judge of Probate, AL
09/19/2002 15:38:00 FILED/CERTIFIED

Case Number: 02-01066-TOM-7

Chapter: 7

Debtors

087109