

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 JOHN ANDREW SMITH, JR. and wife PATRICIA DIANE SMITH, did, on to-wit, December 6th, 1995, execute a mortgage to Mortgage Lenders Association, Inc., which mortgage is recorded in Instrument #1996-00284, et seq., in the Office of the Judge of Probate of Shelby County; which said mortgage was subsequently assigned to Countrywide Funding Corporation n/k/a Countrywide Home Loans, Inc. by instrument recorded in Instrument #1996-09457 of said Probate Court records; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage and the said Countrywide Funding Corporation n/k/a 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 January 28th, February 4th and 11th, 2004; and

WHEREAS, on March 8th, 2004, 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 Thirty Three Thousand and Seventy Seven dollars and no/100, in the amount of (\$133,077.00) Dollars, which sum the said Countrywide Funding Corporation n/k/a 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 \$133,077.00 Dollars, on the indebtedness secured by said mortgage, the said John Andrew Smith, Jr. and Patricia Diane Smith, acting by and through the said Countrywide Funding Corporation n/k/a Countrywide Home Loans, Inc. by Michael T. Atchison, as said Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said Countrywide Funding Corporation n/k/a Countrywide Home Loans, Inc. by Michael T. Atchison, as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, 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 COUNTRYWIDE HOME LOANS, INC., the following described real property situated in Shelby County, Alabama, to-wit:

Lot 36, according to the Survey of Apache Ridge, Sector 5, as recorded
in Map book 17, Page 62, in the Office of the Judge of Probate of Shelby
County, Alabama.

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 Funding Corporation n/k/a Countrywide Home Loans, Inc., 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 8th day of March, 2004.

John Andrew Smith, Jr. and Patricia Diane Smith

BY: Countrywide Funding Corporation n/k/a
Countrywide Home Loans, Inc. Mortgagee or
Transferee of Mortgagee

BY: Michael T. Atchison
As Auctioneer and the person conducting said
sale for the Mortgagee or Transferee of
Mortgagee

Countrywide Funding Corporation n/k/a Countrywide
Home Loans, Inc.
Mortgagee or Transferee of Mortgagee

BY: Michael T. Atchison
As Auctioneer and the person conducting said
sale for the Mortgagee or Transferee of
Mortgagee

Michael T. Atchison
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 8th day of March, 2004.

Quint J. Garrison
NOTARY PUBLIC
My Commission Expires: 10/16/04

Grantee's address:
7105 Corporate Drive
Plano, Texas 75024

This instrument prepared by:
William S. McFadden
McFADDEN, LYON & ROUSE, L.L.C.
718 Downtowner Boulevard
Mobile, Alabama 36609
John Andrew Smith, Jr.
Doc ID #0008121534MN35