

SEND TAX NOTICE TO:
Litton Loan Servicing
4828 Loop Central Drive
Houston, TX 77081
(#11259388)

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 20th day of August, 2001, Paul McKenzie and Terita McKenzie, husband and wife, , executed that certain mortgage on real property hereinafter described to Ameriquest Mortgage Company, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 2001-38301, said mortgage having subsequently been transferred and assigned to The Bank of New York, as Trustee, by instrument recorded in Instrument #20040330000162240, in the aforesaid Probate Office; 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 The Bank of New York, as Trustee 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 April 7, 2004, April 14, 2004, and April 21, 2004; and

WHEREAS, on May 4, 2004, 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 The Bank of New York,

as Trustee 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, Michael Corvin was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said The Bank of New York, as Trustee; and

WHEREAS, The Bank of New York, as Trustee was the highest bidder and best bidder in the amount of Two Hundred Twelve Thousand One Hundred Sixty Five and 62/100 Dollars (\$212,165.62) on the indebtedness secured by said mortgage, the said The Bank of New York, as Trustee, by and through Michael Corvin as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto The Bank of New York, as Trustee all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Commence at the Southeast corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama and run thence North 01 degree 12 minutes 34 seconds West along the East line of said quarter-quarter (1/4-1/4) a distance of 477.81 feet to the "Point of Beginning" of the property being described, thence continue along the last described course a distance of 100.67 feet to a point; thence North 73 degrees 02 minutes 09 seconds West a distance of 56.11 feet to a point; thence North 21 degrees 14 minutes 18 seconds East a distance of 70.08 feet to a point; thence North 84 degrees 30 minutes 22 seconds West a distance of 112.37 feet to a point, thence South 69 degrees 59 minutes 30 seconds West a distance of 118.55 feet to point; thence South 06 degrees 57 minutes 30 seconds East a distance of 32.14 feet to a point; thence South 54 degrees 04 minutes 49 seconds West a distance of 115.47 feet to a point; thence South 17 degrees 02 minutes 43 seconds East a distance of 21.70 feet to a point; thence South 71 degrees 30 minutes 00 seconds East a distance of 171.60 feet to a point, thence South 89 degrees 00 minutes 00 seconds East a distance of 272.89 feet to the "Point of Beginning."

More Accurately Described As:

Commence at the Southeast corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama and run thence North 01 degree 12 minutes 34 seconds West along the East line of said quarter-quarter (1/4-1/4) a distance of 477.81 feet to the "Point of Beginning" of the property being described, thence continue along the last described course a distance of 100.67 feet to a point; thence North 73 degrees 02 minutes 09 seconds West a distance of 56.11 feet to a point; thence North 21 degrees 14 minutes 18 seconds East a distance of 70.08 feet to a point; thence North 54 degrees 30 minutes 22 seconds West a distance of 112.37 feet to a point, thence South 69 degrees 59 minutes 30 seconds West a distance of 118.55 feet to point; thence South 06 degrees 57 minutes 30 seconds East a distance of 32.14 feet to a point; thence South 54 degrees 04 minutes 49 seconds West a distance of 115.47 feet to a point; thence South 17 degrees 02 minutes 43 seconds East a distance of 21.70 feet to a point; thence South 71 degrees 30 minutes 00 seconds West a distance of 105.00 feet to a point; thence South 17 degrees 30 minutes 00 seconds East a distance of 210.0 feet to a point; thence North 27 degrees 50 minutes 00 seconds East a distance of 171.60 feet to a point, thence South 89 degrees 00 minutes 00 seconds East a distance of 272.89 feet to the "Point of Beginning."

TO HAVE AND TO HOLD the above described property unto The Bank of New York, as Trustee, 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, The Bank of New York, as Trustee , has caused this instrument to be executed by and through Michael Corvin, as auctioneer conducting said sale and as attorney-in-fact for said Mortgagee, and said Michael Corvin, as said auctioneer and attorney-in-fact for said Mortgagee, has hereto set his/her hand and seal on this 4th day of May, 2004.

The Bank of New York, as Trustee

By: _____

Michael Corvin, Auctioneer and Attorney-in-Fact

20040513000251730 Pg 3/3 19.00
Shelby Cnty Judge of Probate, AL
05/13/2004 08:34:00 FILED/CERTIFIED

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Michael Corvin, whose name as auctioneer and attorney-in-fact for The Bank of New York, as Trustee , 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.

Given under my hand and official seal on this 4th day of May, 2004.

Ronda H Stewart

Notary Public

My Commission Expires: MY COMMISSION EXPIRES MARCH 28, 2007

This instrument prepared by:
Heather H. Renfro
SIROTE & PERMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727