


SEND TAX NOTICE TO:  
Countrywide Home Loans  
7105 Corporate Drive, Mail Stop PTX-C-35  
Plano, TX 75024  
(#00048865338MN35)

  
20040922000522450 Pg 1/4 21.00  
Shelby Cnty Judge of Probate, AL  
09/22/2004 12:35:00 FILED/CERTIFIED

STATE OF ALABAMA        )

COUNTY OF SHELBY        )

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 8th day of October, 2003, Gary W. Upton and Mary Christine Upton, executed that certain mortgage on real property hereinafter described to Best Rate Funding Corp., which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20031215000806870, said mortgage having subsequently been transferred and assigned to Deutsche Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, mortgage pass-through certificates, Series 2004-NC2, by instrument recorded in Instrument Number 20040824000473640, 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 Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2 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 August 18, 2004, August 25, 2004, and September 1, 2004; and

WHEREAS, on September 14, 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 Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2 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 Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2; and

WHEREAS, Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2 was the highest bidder and best bidder in the amount of One Hundred Forty Thousand One Hundred Eighty-Seven and 84/100 Dollars (\$140,187.84) on the indebtedness secured by said mortgage, the said Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2, 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 Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2 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: Beginning at the NE Corner of the NE 1/4 of the SW 1/4 of Section 16, Township 20 South, Range 2 West, Shelby County, Alabama and run thence South 02 degrees 47 minutes 07 seconds E along the East line of said quarter-quarter a distance of 383.92 feet to a found rebar corner on the South line of an Alabama Power Company Transmission Line Easement on right of way; thence run North 78 degrees 21 minutes 38 seconds W along said right of way or easement line a distance of 782.65 feet to a found rebar corner on the Southeasterly margin of Shelby County Highway No. 11; thence run North 58 degrees 11 minutes 10 seconds E along said margin of said highway a distance of 394.28 feet to a found rebar corner; thence continue along said margin of said Highway North 57 degrees 59 minutes 35 seconds E a distance of 472.05 feet to a found rebar corner on the East line of the Southeast Quarter of NW 1/4 of same said Section 16; thence S 03 degrees 05 minutes 29 seconds E along said East line of said quarter-quarter section a distance of 232.83 feet to the Point of Beginning, more or less.

Less and Except

Commence at the Northeast Corner of the NE 1/4-SW1/4 of Section 16, Township 20 South, Range 2 West, Shelby County, Alabama and run thence N 03 degrees 05 minutes 29 seconds W along the East line of the SE 1/4-NW 1/4 of said Section 16 a distance of 232.83 feet to a point on the Southerly Margin of Shelby County Highway No. 11; thence run S 57 degrees 59 minutes 35 seconds W along said margin of said highway a distance of 34.27 feet to the Point of Beginning; on the center line of a sixty foot wide (60.0 feet) easement or right of way; thence run S 03 degrees 05 minutes 29 seconds E along said centerline of said right of way or easement a distance of 216.26 feet to the P.C. of a curve to the left having a central angle of 28 degrees 03 minutes 10 seconds and a radius of 250.00 feet; thence run Southeasterly along the arc of said centerline of said easement or right of way with the East line of the NE 1/4- SW1/4 of said Section 16 and the end of required easement or right of way.

TO HAVE AND TO HOLD the above described property unto Deutshce Bank National Trust Company, Trustee, on behalf of the Certificate Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-NC2, Mortgage Pass-Through Certificates, Series 2004-NC2, 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,

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