20051026000557350 1/3 $18.00
Shelby Cnty Judge of Probate,AL
10/26/2005 02:24:17PM FILED/CERT

STATE OF ALABAMA) Richard Gatto

COUNTY OF SHELBY)

THIS FORECLOSURE DEED made this 11th day of October, 2005, between ROBIN W. KIRBY, a married woman, and RICHARD GATTO, her husband, Parties of the First Part, and DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-R8, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004, Party of the Second Part;

WITNESSETH:

WHEREAS, the said ROBIN W. KIRBY, a married woman, and RICHARD GATTO, her husband, heretofore executed to AMERIQUEST MORTGAGE COMPANY, herein called the Mortgagee, a certain mortgage dated June 16, 2004, and recorded in Document No. 20040630000361070, Probate Records of Shelby County, Alabama, which conveyed the hereinafter described property to secure the indebtedness evidenced by a note, payable in installments, therein described; and

WHEREAS, the Mortgagee has granted, bargained, sold, conveyed and assigned the said mortgage and the indebtedness thereby secured and the property therein described to the Party of the Second Part, by assignment dated January 10, 2005, and recorded in Document No. 20050119000029680, Probate Records of Shelby County, Alabama, and the Party of the Second Part was owner thereof at the time of the sale hereinafter mentioned; and

WHEREAS, the said mortgage provides that if said indebtedness or any part thereof should remain unpaid at maturity, then the whole of indebtedness shall at once become due and payable and said mortgage be subject to foreclosure, and further provides that in the event of any such default the Mortgagee shall have the authority to sell said property before the Courthouse Door in the City of Columbiana, County of Shelby, State of Alabama, at public outcry for cash after first giving notice by publication once a week for three successive weeks of the time, place and terms of said sale in some newspaper of general circulation published in Shelby County, Alabama, and further provides that in the event of any such sale the person conducting such sale shall have power and authority to execute a deed to the purchaser of said property at such sale, and further provides that the Mortgagee or its assigns may bid and become the purchaser at such sale of the property therein; and

WHEREAS, parts of said indebtedness remained unpaid at the respective maturities thereof, and the whole of said indebtedness thereupon became due and payable, and default was

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made in payment thereof, and the Party of the Second Part thereafter gave notice by publication in The Shelby County Reporter, a newspaper of general circulation and published in Shelby County, Alabama, on the 31st day of August, 2005, and the 7th day of September, 2005, and the 14th day of September, 2005, that it would sell the hereinafter described property before the front door of the Shelby County Courthouse at Columbiana, Alabama, at public outcry to the highest bidder for cash, within the legal hours of sale on the 11th day of October, 2005; and

WHEREAS, the said sale was held at the time and place stated in said notice which was published in the said issues of The Shelby County Reporter, and Party of the Second Part became the purchaser of the hereinafter described property at and for the sum of $172,822.98 cash, which was the highest, best, and last bid therefore; and

WHEREAS, the undersigned, JAMES J. ODOM, JR., conducted said sale and acted as auctioneer thereat, under and pursuant to an appointment as such by the Party of the Second Part;

NOW THEREFORE, IN consideration of the premises the Parties of the First Part and the Party of the Second Part, both acting by and through the undersigned as their duly constituted and appointed attorney-in-fact and auctioneer at said sale, do hereby grant, bargain, sell and convey unto the DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-R8, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004, the following described real property situated in Shelby County, Alabama, to-wit:

> Lot 13, according to the survey of Apache Ridge, Sector 6, as recorded in Map Book 17, Page 145, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

TO HAVE AND TO HOLD unto the said DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-R8, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004, its successors and assigns forever, as fully and completely in all respects as the same could or ought to be conveyed to the said DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-R8, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004, under and by virtue of the power and authority contained in the aforesaid mortgage. Subject, however, to the statutory rights of

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redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama, also subject to prior liens, ad valorem taxes, easements and restrictions of record.

IN WITNESS WHEREOF, the said ROBIN W. KIRBY, a married woman, and RICHARD GATTO, her husband, and DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-R8, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004, have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the day and year first above written.

BY: _____

As Attorney-in-Fact and Auctioneer

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that JAMES J. ODOM, JR. whose name as attorney-in-fact and auctioneer for ROBIN W. KIRBY, a married woman, and RICHARD GATTO, her husband, and DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-R8, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004, 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 the conveyance, he, as such attorney-in-fact and auctioneer, executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of October, 2005.

Anne P. Marshall
Notary Public
My Commission Expires: 3-13-2007

THIS INSTRUMENT PREPARED BY:
ARTHUR M. STEPHENS
STEPHENS, MILLIRONS, HARRISON & GAMMONS, P.C.
P.O. BOX 307
HUNTSVILLE, AL 35804

Grantee's Address:
Deutsche Bank National Trust Co., as Trustee
c/o AMC Mortgage Services, Inc.
Attn: RSD Department
505 City Parkway West, Suite 100
Orange, CA 92868