


SEND TAX NOTICE TO:  
New South Federal Savings Bank  
210 Automation Way  
Birmingham, AL 35210  
(#8966220)

  
20060202000055010 1/3 \$19.00  
Shelby Cnty Judge of Probate, AL  
02/02/2006 12:53:58PM FILED/CERT

STATE OF ALABAMA )

COUNTY OF SHELBY )

### FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 21st day of February, 2001, James Rutledge and Mary Sue Rutledge, husband and wife, executed that certain mortgage on real property hereinafter described to New South Federal Savings Bank, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 2001-07866, said mortgage having subsequently been transferred and assigned to Bank of New York, as trustee for New South Federal Savings Bank, Series 2001-1, without recourse, by instrument recorded in Instrument No. 20051010000526260, 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 for New South Federal Savings Bank, Series 2001-1 without recourse 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 December 7, 2005, December 14, 2005, and December 21, 2005; and



WHEREAS, on January 17, 2006, 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 for New South Federal Savings Bank, Series 2001-1 without recourse 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 for New South Federal Savings Bank, Series 2001-1 without recourse; and

WHEREAS, The Bank of New York, as Trustee for New South Federal Savings Bank, Series 2001-1 without recourse was the highest bidder and best bidder in the amount of Twenty Nine Thousand One Hundred Twenty Three and 09/100 Dollars (\$29,123.09) on the indebtedness secured by said mortgage, the said The Bank of New York, as Trustee for New South Federal Savings Bank, Series 2001-1 without recourse, 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 for New South Federal Savings Bank, Series 2001-1 without recourse 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 SE 1/4 of the SW 1/4 of Section 16, Township 22 South, Range 3 West, Shelby County, Alabama, and run Northerly along the East line of said 1/4-1/4 section for 1022.92 feet to the Point of Beginning of the tract of land herein described; thence continue along the last described course for 157.18 feet; thence turn 108 degrees, 01 minutes, 40 seconds left and run Southwesterly for 44.55 feet; thence turn 11 degrees 13 minutes 21 seconds left and run Southwesterly for 147.71 feet to a point on the Easterly right of way line of Evansville Circle; thence turn 41 degrees 11 minutes 07 seconds left and run Southerly along said right of way line for 81.86 feet; thence turn 15 degrees 29 minutes 25 seconds left and run 44.20 feet; thence turn 7 degrees 06 minutes 46 seconds left and run along said right of way line for 54.27 feet; thence turn 114 degrees 36 minutes 37 seconds left and run 224.56 feet to the Point of Beginning.

TO HAVE AND TO HOLD the above described property unto The Bank of New York, as Trustee for New South Federal Savings Bank, Series 2001-1 without recourse, 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 for New South Federal Savings Bank, Series 2001-1 without recourse, 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 17<sup>th</sup> day of January, 2006.

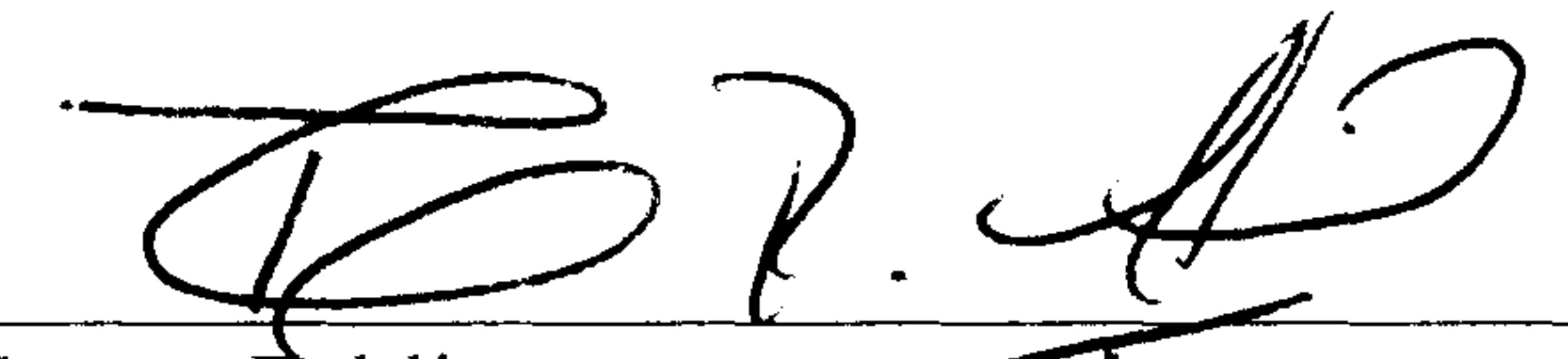
The Bank of New York, as Trustee for New South Federal Savings Bank, Series 2001-1 without recourse

By:   
Michael Corvin, Auctioneer and Attorney-in-Fact

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 for New South Federal Savings Bank, Series 2001-1 without recourse, 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 17<sup>th</sup> day of January, 2006.

  
Notary Public  
My Commission Expires: June 13, 2007

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