

20061019000517600 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
10/19/2006 09:09:16AM FILED/CERT

SEND TAX NOTICE TO:
Countrywide Home Loans, Inc.
7105 Corporate Drive, Mail Stop PTX-C-35
Plano, TX 75024
(#61787651)

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 31st day of March, 2004, Xan Payton, a single woman, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for America's Wholesale Lender, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20040406000177350, said mortgage having subsequently been transferred and assigned to Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05, by instrument recorded in, 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 Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05 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 September 6, 2006, September 13, 2006, and September 20, 2006; and

WHEREAS, on October 3, 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 Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05 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 Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05; and

WHEREAS, Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05 was the highest bidder and best bidder in the amount of Seventy eight thousand three hundred seventy two and 05/100 Dollars (\$78,372.05) on the indebtedness secured by said mortgage, the said Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05, 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 Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05 all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 17, according to the Survey of Cahaba Manor Town Homes, First Addition, as recorded in Map Book 7, Page 57, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05, 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, Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05, 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 3rd day of October, 2006.

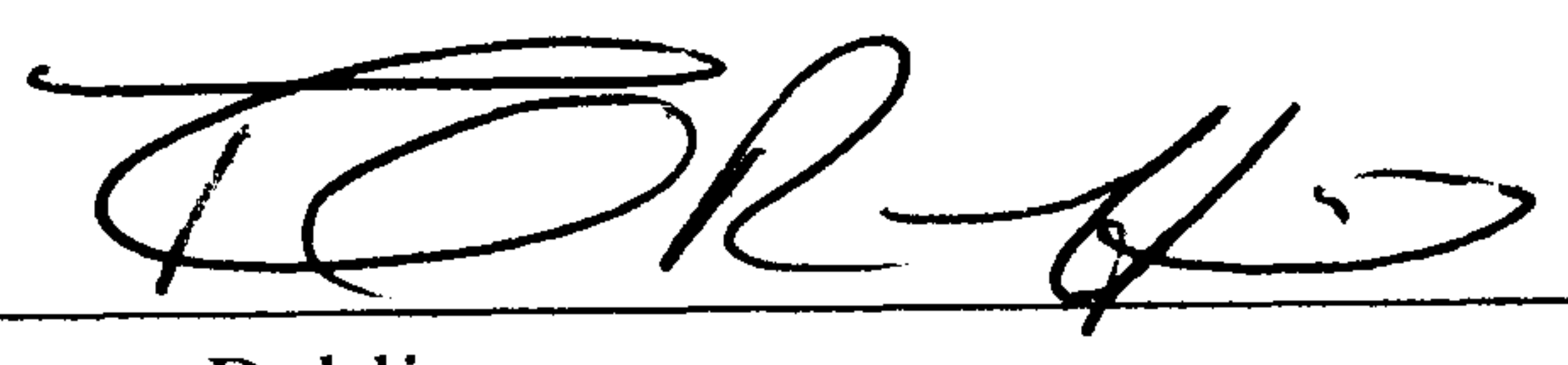
Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05

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

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

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 Bank of New York, as Trustee for the Certificate Holders of CWABS 2004-05, 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 3rd day of October, 2006.


Notary Public
My Commission Expires: _____ MY COMMISSION EXPIRES JUNE 13, 2007

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