

SEND TAX NOTICE TO:  
Homecomings Financial Network, LLC  
9350 Waxie Way  
Suite 100  
San Diego, CA 92123-1048  
(#0441429735)

20070312000110700 1/3 \$21.00  
Shelby Cnty Judge of Probate, AL  
03/12/2007 01:51:38PM FILED/CERT

STATE OF ALABAMA )

COUNTY OF SHELBY )

### FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 3rd day of May 2006, Christy Franklin and Charles D. Franklin, wife and husband, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc., as nominee for Ark-LA-Tex Financial Services dba Benchmark MTG, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 20060509000218290, said mortgage having subsequently been transferred and assigned to U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5; 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 U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5 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 January 10, 2007, January 17, 2007, and January 24, 2007; and

WHEREAS, on February 13, 2007, 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 U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5 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 U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5; and

WHEREAS, U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5 was the highest bidder and best bidder in the amount of Two Hundred Seventy Four Thousand Five Hundred and 00/100 Dollars (\$274,500.00) on the indebtedness secured by said mortgage, the said U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5, 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 U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5 all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 621, according to the Survey of Forest Parks, 6th Sector, 2nd Phase, as recorded in Map Book 24, Page 110, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5, 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, U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5, 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 13<sup>th</sup> day of February, 2007.

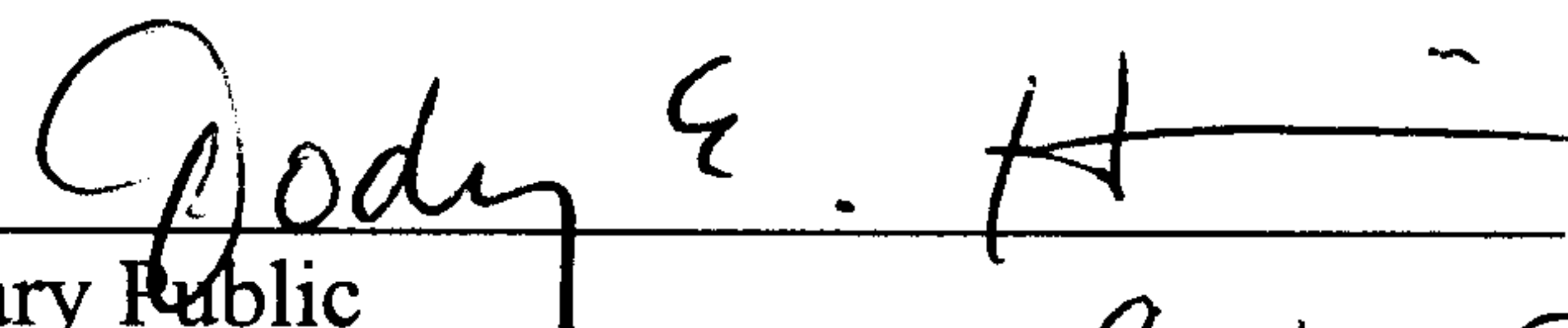
U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352  
Distribution Series 2006-KS5

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 U.S. Bank, N.A. as Trustee for that certain pooling and servicing agreement Pool #40352 Distribution Series 2006-KS5, 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 13<sup>th</sup> day of February, 2007.

  
Notary Public  
My Commission Expires: 8-11-09

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