

MORTGAGEE: Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10

MORTGAGORS: Elaine M. Smith, a married woman, and her husband, Antwan H. Smith

STATE OF ALABAMA)

COUNTY OF SHELBY)

AFFIDAVIT OF NULLIFICATION OF FORECLOSURE DEED

BEFORE ME, a notary public in and for the State of Alabama, personally appeared the undersigned, Ginny C. Rutledge, as attorney for Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, and who is known to me and, who, being by me first sworn, states the following:

1. I hereby file of record this Affidavit of Nullification of Foreclosure Deed (hereafter "Nullification of Foreclosure Deed") with said Foreclosure Deed having been recorded in Instrument Number 20070808000371930, in connection with the following described real property located in Shelby County, Alabama, which is legally described as follows:

Lot 28, according to the Final Plat of The Meadow at Meriweather Phase 1, Second Addition, as recorded in Map Book 34, Page 92, in the Probate Office of Shelby County, Alabama.

2. On the 4th day of May, 2006, Elaine M. Smith, and her husband, Antwan H. Smith, (hereinafter "Mortgagors"), executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for Countrywide Home Loans, Inc., and said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20060511000223960, and said mortgage having subsequently been transferred and assigned to Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, (hereinafter "BONY"), by instrument recorded in Instrument Number 20061228000633170, in the aforesaid Probate Office.
3. On or around May 17, 2007, foreclosure proceedings were instituted under the terms of said mortgage. The Department of Defense records revealed that the mortgagors were not in the active military at the time of foreclosure referral.
4. On the 21st day of June, 2007, Mortgagor, Elaine M. Smith, was called into active duty military service for the United States Army.
5. On the 17th day of July, 2007, a Foreclosure sale was held on the above referenced property, and a Foreclosure Deed was executed and sent for recording and recorded on August 8, 2007, in Instrument Number 20070808000371930, which is attached hereto as Exhibit "A".
6. This Affidavit of Nullification of Foreclosure Deed is being filed of record due to the mortgagor, Elaine M. Smith, being called into active duty military service after the origination of the above referenced mortgage. Under the Servicemembers Civil Relief Act, said foreclosure sale is invalid and due to be set aside.

7. It is the intent of Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10 to put this Affidavit of Nullification of Foreclosure Deed of record to nullify that certain Foreclosure Deed dated August 8, 2007 and recorded in Instrument Number 20070808000371930.

Dated this the 17th day of September,
2007.

Bank of New York as Trustee for the Certificate Holders
CWABS, Inc. Asset-Backed Certificates, Series 2006-10

By: 

Ginny C. Rutledge
Attorney for Bank of New York as Trustee for the
Certificate Holders CWABS, Inc. Asset-Backed
Certificates, Series 2006-10

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public, in and for said County and State, do hereby certify that Ginny C. Rutledge, as Attorney for Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, who is known to me, and acknowledged before me on this day, that being informed of the contents of said instrument, she as its Attorney and with full authority, executed the same voluntarily for and as the act of said Corporation, on the day the same bears date.

Given under my hand and notarial seal on this the 17th day of September, 2007.


NOTARY PUBLIC

My Commission Expires: 11-5-2009

This document prepared by:
Ginny C. Rutledge, Esq.
Sirote & Permutt, PC
Post Office Box 55727
Birmingham, AL 35255-5727

SEND TAX NOTICE TO:
Countrywide Home Loans, Inc.
7105 Corporate Drive, Mail Stop PTX-C-35
Plano, TX 75024
(#134942615)

STATE OF ALABAMA)

COUNTY OF SHELBY)



20070808000371930 1/3 \$19.00
Shelby Cnty Judge of Probate, AL
08/08/2007 03:24:14PM FILED/CERT

20070920000442140 3/5 \$25.00
Shelby Cnty Judge of Probate, AL
09/20/2007 02:02:36PM FILED/CERT

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 4th day of May, 2006, Elaine M. Smith, a married woman, and her husband, Antwan H. Smith, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Countrywide Home Loans, Inc., which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20060511000223960, said mortgage having subsequently been transferred and assigned to Bank of New York, as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, by instrument recorded in Instrument Number 20061228000633170, 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 CWABS, Inc. Asset-Backed Certificates, Series

2006-10 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 June 13, 2007, June 20, 2007, and June 27, 2007; and

WHEREAS, on July 17, 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 Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10 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 CWABS, Inc. Asset-Backed Certificates, Series 2006-10; and

WHEREAS, Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10 was the highest bidder and best bidder in the amount of One Hundred Thirteen Thousand Forty and 00/100 Dollars (\$113,040.00) on the indebtedness secured by said mortgage, the said Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, 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 CWABS, Inc. Asset-Backed Certificates, Series 2006-10 all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

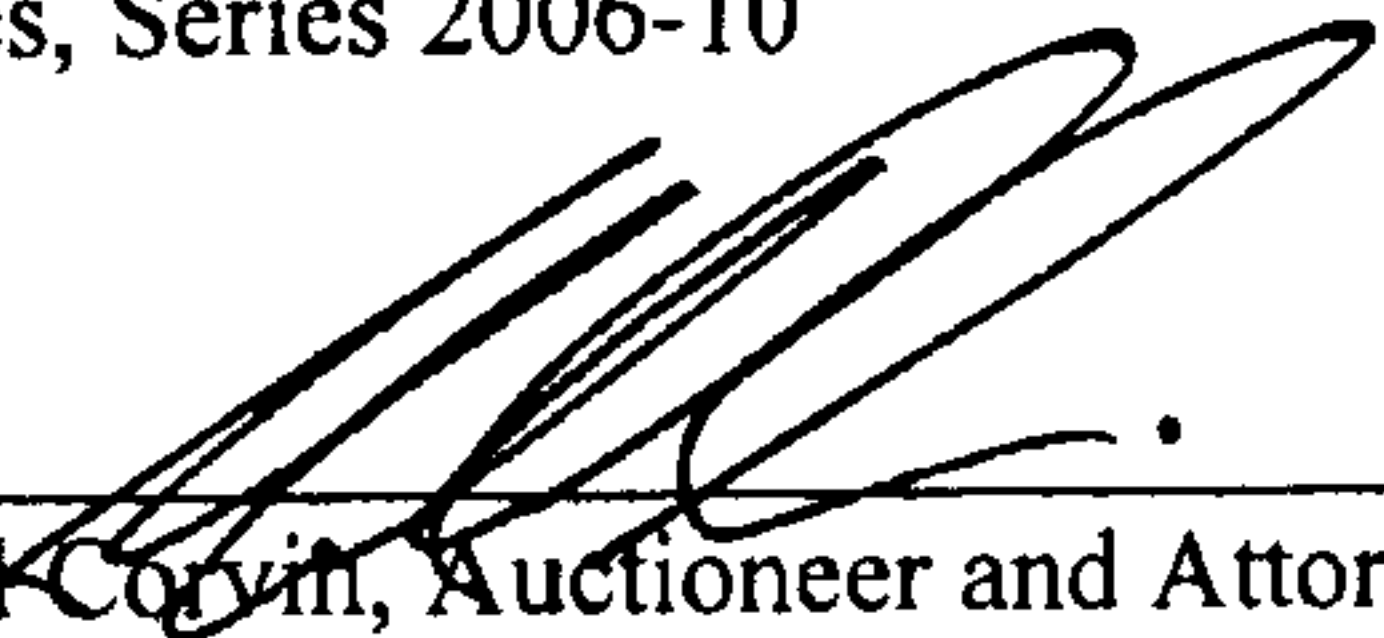
Lot 28, according to the Final Plat of The Meadow at Meriweather Phase 1, Second Addition, as recorded in Map Book 34, Page 92, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property unto Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, 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 CWABS, Inc. Asset-Backed Certificates, Series 2006-10, 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 17th day of July, 2007.

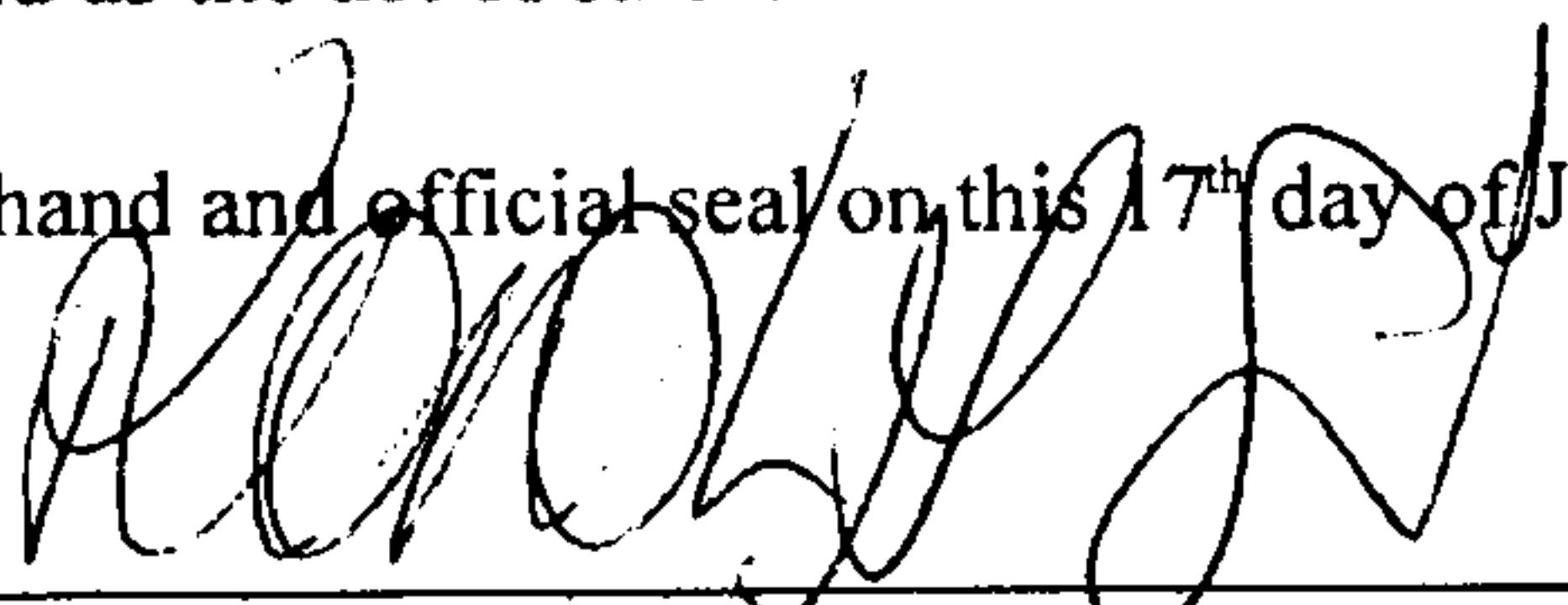
Bank of New York as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-10

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 CWABS, Inc. Asset-Backed Certificates, Series 2006-10, 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 17th day of July, 2007.



Notary Public
My Commission Expires: **MY COMMISSION EXPIRES MARCH 28, 2011**

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