

## AUCTIONEER'S DEED

STATE OF ALABAMA  
COUNTY OF SHELBY

WHEREAS, DEBORAH W. PHILLIPS, a married woman and husband, JOHN W. PHILLIPS, II executed a mortgage to MortgageAmerica, Inc. on the 26th day of June, 1998 on that certain real property hereinafter described, which mortgage is recorded in Instrument No. 1998-24389, of the records in the Office of the Judge of Probate, Shelby County, Alabama; which said mortgage was subsequently assigned to Nationsbanc Mortgage Corporation, A Texas Corp. n/k/a Bank of America, N.A. by instrument recorded in Instrument No. 1999-01521 of said Probate Court records; and

WHEREAS, in said mortgage the mortgagee was vested with full power and authority, upon the happening of a default in the payment of the principal note described in and secured by said mortgage or any installment of interest thereon, to sell said property hereinafter described at public outcry before the Courthouse door in the City of Columbiana, County of Shelby, Alabama, for cash to the highest bidder, after giving notice of the time, place and terms of sale by an advertisement published once a week for three successive weeks in a newspaper published in the City of Columbiana, Alabama; and

WHEREAS, default was made in the payment of said indebtedness described in and secured by said mortgage; and

WHEREAS, notice of the time, place and purposes of said sale, as required by said mortgage has been given in The Shelby County Reporter, a newspaper published in the City of Columbiana, Alabama, by an advertisement published in the issues of said newspaper on December 10th, December 17th and December 24th, 2008,; which said was postponed by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama; in its issue of January 21, 2009; fixing the time of the sale of said property to be during the legal hours of sale on the 12th day of February, 2009, and the place of same at the front door of the Courthouse of Shelby County, in the City of Columbiana, Alabama, and the terms of the sale to be cash; and

WHEREAS, a sale has been made of the said real property hereinafter described during the legal hours of sale on the 12th day of February, 2009, at the front door of the Courthouse of Shelby County, Alabama, in strict conformity with the powers of sale contained in the said mortgage, at which sale **BANK OF AMERICA, N.A.** was the highest and best bidder and did become the purchaser of the real property hereinafter described for the sum of **\$84,148.32** cash in hand paid by said purchaser to Michael T. Atchison, as auctioneer who conducted the sale on behalf of the owner of said mortgage; the said Nationsbanc Mortgage Corporation, A Texas Corp. n/k/a Bank of America, N.A., by and through Michael T. Atchison as such auctioneer, and as its attorney-in-fact, and Deborah W. Phillips and John W. Phillips, II by Michael T. Atchison, as their attorney-in-fact, under and by virtue of the authority contained in said mortgage, do hereby GRANT, BARGAIN, SELL AND CONVEY unto **BANK OF AMERICA, N.A.**, its successors and assigns, the following described real property situated in the County of Shelby, State of Alabama, to-wit:

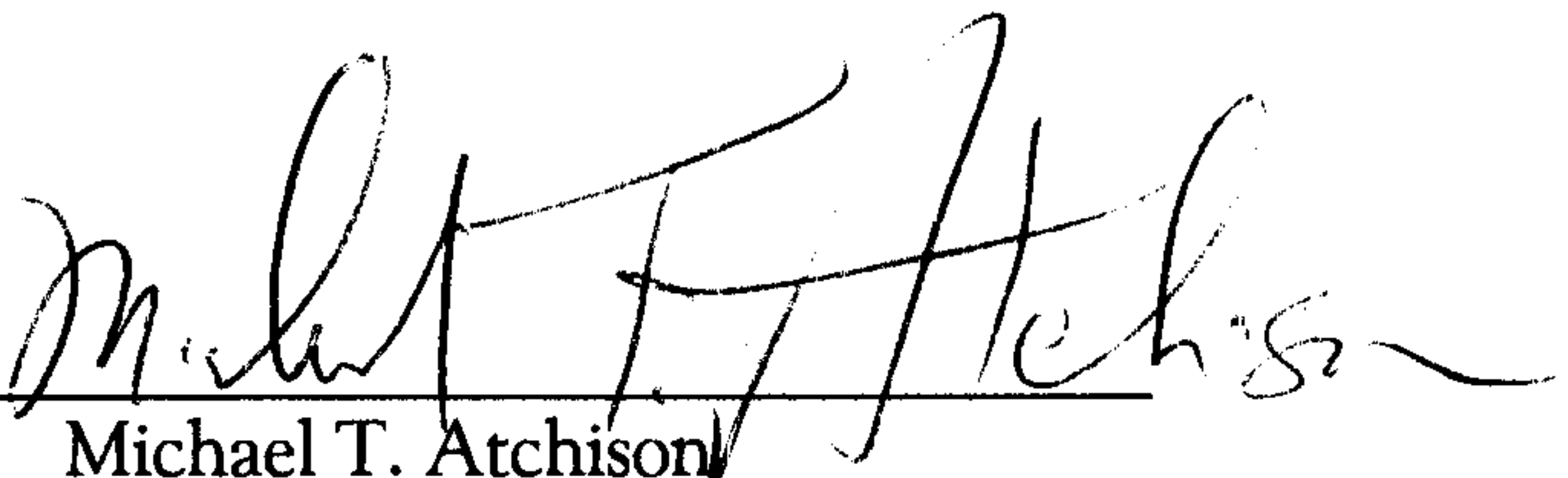
A parcel of land situated in the Northeast quarter of the Northwest quarter of Section 6, Township 21 South, Range 2 East, Shelby County, Alabama; being more particularly described as follows: To reach the Point of Beginning, commence at the Northeast corner of Lot #7 of Hill Subdivision, as shown by map of said subdivision recorded in Map Book 3, Page 142 in the Probate Office of Shelby County, Alabama, and from said point run North 57 degrees 18 minutes 38 seconds East a distance of 74.10 feet to a point on the North right of way line of Spearman Street the Point of Beginning; thence turn an angle to the left and run North 00 degrees 33 minutes 46 seconds West a distance of 299.07 feet to a point; thence turn an angle to the right and run North 89 degrees 34 minutes 14 seconds East a distance of 201.57 feet to a point; thence turn an angle to the right and run South 00 degrees 25 minutes 02 seconds East a distance of 300.04 feet to a point on said North right of way line of Spearman Street; thence turn an angle to the right and run South 89



degrees 50 minutes 48 seconds West along the said North right of way line for a distance of 200.81 feet to the Point of Beginning.

TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments, easements and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said **BANK OF AMERICA, N.A.**, the purchaser at said sale, its successors and assigns, forever; subject, however, to the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

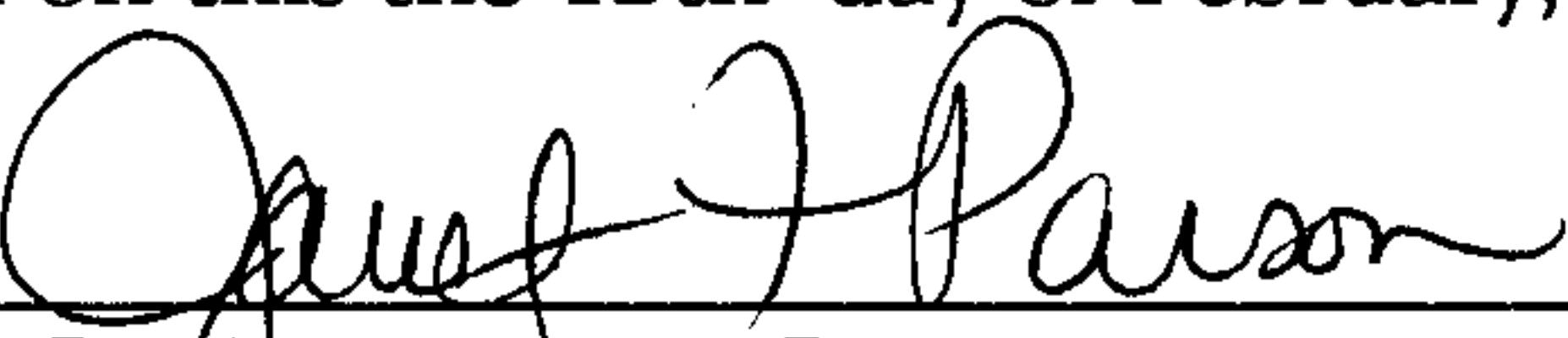
IN WITNESS WHEREOF, the said Deborah W. Phillips and John W. Phillips, II, and Nationsbanc Mortgage Corporation, A Texas Corp. n/k/a Bank of America, N.A., have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on this the 12th day of February, 2009.

BY:   
Michael T. Atchison  
As Attorney-in-Fact and Auctioneer

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Michael T. Atchison, whose name as attorney-in-fact and auctioneer for Deborah W. Phillips and John W. Phillips, II, and Nationsbanc Mortgage Corporation, A Texas Corp. n/k/a Bank of America, N.A. 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 said conveyance, he, as such attorney-in-fact and auctioneer, executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 12th day of February, 2009.

  
NOTARY PUBLIC  
My Commission Expires: 10/16/2012

Grantee's address:

475 Crosspoint Parkway  
Getzville, NY 14068

This instrument prepared by:

Beth McFadden Rouse  
McFADDEN, LYON & ROUSE, L.L.C.  
718 Downtowner Boulevard  
Mobile, Alabama 36609