


SEND TAX NOTICE TO:
GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, PA 19034


20090603000210280 1/4 \$26.00
Shelby Cnty Judge of Probate, AL
06/03/2009 10:34:16 AM FILED/CERT

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 9th day of September, 2004, Earl Douglas Jowers III, an unmarried man, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc., solely as nominee for Homecomings Financial Network, Inc., which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20040920000516010, said mortgage having subsequently been transferred and assigned to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10, ("Transferee"); 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 Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 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 February 25, 2009, March 4, 2009, and March 11, 2009; and

WHEREAS, on May 22, 2009, 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 Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 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, Aaron Warner was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 ; and

WHEREAS, The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 , was the highest bidder and best bidder in the amount of Two Hundred Thirty-Five Thousand One Hundred Ninety-Eight And 46/100 Dollars (\$235,198.46) on the indebtedness secured by said mortgage, the said The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 , by and through Aaron Warner 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 Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 , all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Parcel I:

Commence at the Northeast corner of the South 1/2 of the NE 1/4 of the NE 1/4 of Section 23, Township 21 South, Range 1 East, Shelby County, Alabama; run thence South 88 degrees 33 minutes 00 seconds West for 49.98 feet; run thence South 20 degrees 40 minutes 30 seconds West for 54.02 feet; run thence South 20 degrees 48 minutes 51 seconds West for 42.63 feet to the point of beginning run thence South 83 degrees 28 minutes 48 seconds West for 437.07 feet; run thence South 54 degrees 03 minutes 36 seconds West for 297.48 feet; run thence North 78 degrees 54 minutes, 46 seconds West for 203 feet more or less, to a lake shore; run thence In a Southerly and Easterly direction along said shore for 1154 feet, more or less, to a point that is South 20 degrees 48 minutes 40 seconds West and 647 feet, more or less, from the point of beginning; run thence North 20 degrees 48 minutes 40 seconds East for 647 feet, more or less, to the point of beginning; being situated in Shelby County, Alabama.

Also with a 50 foot Easement to Parcel I described as follows: Commence at the Southeast corner of the South 1/2 of the NE 1/4 of the NE 1/4 of Section 23,



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Township 21 South, Range 1 East, Shelby County, Alabama; run thence South 88 degrees 33 minutes 00 seconds West for 49.98 feet to the point of beginning; run thence South 20 degrees 40 Minutes 30 seconds West for 53.97 feet; run thence South 88 degrees 33 minutes 00 seconds West for 112.36 feet; run thence South 40 degrees 10 minutes 06 seconds West for 21.41 feet; run thence South 49 degrees 48 minutes 46 seconds West for 59.81 feet; run thence South 83 degrees 28 minutes 48 seconds West for 90.19 feet; thence North 49 degrees 48 minutes 46 seconds East for 130.66 feet; run thence North 40 degrees 10 minutes 06 seconds East for 39.65 feet; run thence North 88 degrees 33 minutes 00 seconds East for 155.15 feet to the point of beginning; being situated in Shelby County, Alabama.

Said lands being subject to the 397 foot contour on the lake shore and being in Section 23, Township 21 South, Range 1 East of the Huntsville Principal Meridian, Shelby County, Alabama.

Less and Except:

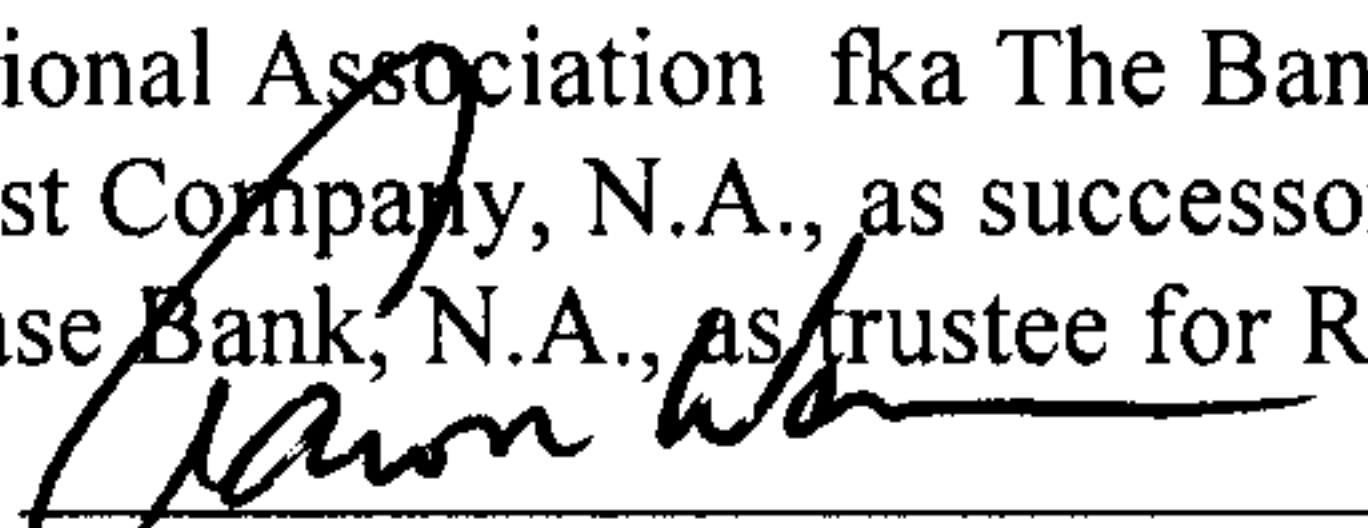
A parcel of land in the south half of the Northeast quarter of the Northeast quarter of Section 23, Township 21 South, Range 1 East being a part of the same land described in a deed to Douglas Jowers, recorded in Real Book 188, at Page 252, of the real property records of Shelby County, Alabama. Said parcel of land being more particularly described as follows: Commencing at the Northeast corner of the South half of the Northeast quarter of the Northeast quarter of said Section 23; Thence South 88 degrees 33 minutes 00 seconds West, a distance of 49.98 feet to a point; Thence South 20 degrees 40 minutes 30 seconds West, a distance of 54.02 feet to a point; Thence South 20 degrees 48 minutes 50 seconds West, a distance of 42.63 feet to a point; Thence South 83 degrees 28 minutes 47 seconds West, a distance of 157.28 feet to the point of Beginning; Thence South 83 degrees 28 minutes 47 seconds West, a distance of 280.02 feet to a point; Thence South 54 degrees 03 minutes 35 seconds West, a distance of 297.48 feet to a point; Thence North 78 degrees 54 minutes 47 seconds West, a distance of 203.37 feet to a point of elevation 397.00, on the shore lay lake; Thence along said shoreline, the following course and distances, South 59 degrees 00 minutes 55 seconds West, a distance of 74.68 feet; South 4 degrees 31 minutes 02 seconds West, a distance of 52.49 feet, South 23 degrees 02 minutes 27 seconds East a distance of 173.46 feet, South 35 degrees 11 minutes 06 seconds East, a distance of 136.74 feet to a point; Thence North 54 degrees 54 minutes 47 seconds East, a distance of 276.49 feet to a point; Thence North 20 degrees 13 minutes 46 seconds West, a distance of 102.96 feet to a point; Thence North 69 degrees 46 minutes 14 seconds East, a distance of 236.70 feet to a point; Thence North 49 degrees 48 minutes 46 seconds East, a distance of 297.63 feet to the Point of Beginning.

TO HAVE AND TO HOLD the above described property unto The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 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.



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IN WITNESS WHEREOF, The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 , has caused this instrument to be executed by and through Aaron Warner, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Warner, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this May 22, 2009.

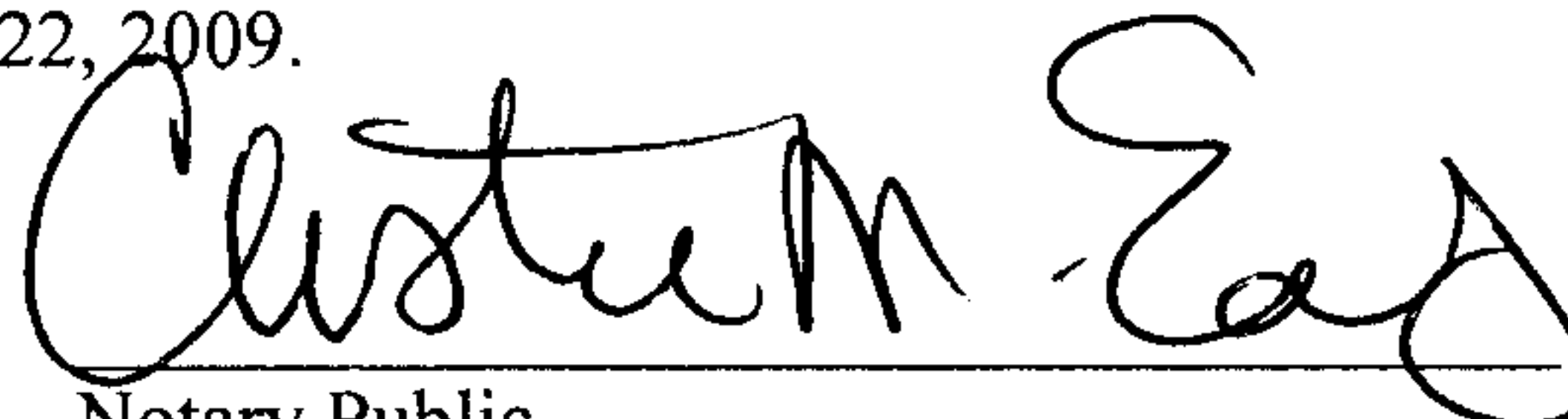
The Bank of New York Mellon Trust Company,
National Association fka The Bank of New York
Trust Company, N.A., as successor to JP Morgan
Chase Bank, N.A., as trustee for RASC 2004-KS10
By: 
Aaron Warner, Auctioneer and Attorney-in-Fact

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Aaron Warner, acting in his/her capacity as auctioneer and attorney-in-fact for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A., as successor to JP Morgan Chase Bank, N.A., as trustee for RASC 2004-KS10 , 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 acting in his/her capacity as auctioneer and Attorney-in-fact for said Transferee.

Given under my hand and official seal on this May 22, 2009.



Notary Public

My Commission Expires. **MY COMMISSION EXPIRES OCTOBER 26, 2011**

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



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