


FORECLOSURE DEED

STATE OF ALABAMA)
)
SHELBY COUNTY)


20090818000318690 1/3 \$21.00
Shelby Cnty Judge of Probate, AL
08/18/2009 02:18:17 PM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on to-wit: November 28, 2000, Terry M. Habshey, a married man ("Mortgagors"), executed a certain mortgage ("Mortgage") to New South Federal Savings Bank said mortgage being recorded on December 1, 2000 in Instrument 2000/41320 in the Office of the Judge of Probate Shelby County, Alabama and being transferred and assigned to The Bank of New York, as Trustee, for New South Federal Savings Bank, Series 2001-1, as recorded on November 13, 2002 in Instrument # 20021113000566010, in the Probate Office of Shelby County, Alabama;

WHEREAS, default was made in the payment of the indebtedness secured by said Mortgage, and The Bank of New York, as Trustee, for New South Federal Savings Bank, Series, 2001-1, as assignee and holder, did declare all of the indebtedness secured by the said Mortgage, due and payable, and said Mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said Mortgage in accordance with the terms thereof, by U.S. Mail and by publication in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, in its issues of July 15, 2009; July 22, 2009; July 29, 2009 and August 5, 2009;

WHEREAS, on August 18, 2009, the day on which the foreclosure sale was due to be held under the terms of said notice between the legal hours of sale, said foreclosure sale was duly and properly conducted, and The Bank of New York, as Trustee, for New South Federal Savings Bank, Series 2001-1, did offer for sale and sell at public outcry, in front of the Courthouse door, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the Mortgage was the bid of The Bank of New York, as Trustee, for New South Federal Savings Bank, Series 2001-1 in the amount of Two Hundred Ninety-Seven Thousand Nine Hundred Nine and 25/100 (\$297,909.25) Dollars, which sum was offered to be credited on the indebtedness secured by the Mortgage, and said property was thereupon sold to The Bank of New York, as Trustee, for New South Federal Savings Bank, Series 2001-1 as purchaser; and

WHEREAS, Paul J. Spina, III conducted said sale on behalf of The Bank of New York, as Trustee, for New South Federal Savings Bank, Series 2001-1, as assignee and holder; and

WHEREAS, the terms of the Mortgage expressly authorized the person conducting said sale to execute to the purchaser at said sale a deed to the property so purchases;

NOW THEREFORE, in consideration of the premises and the payment of Two Hundred Ninety-Seven Thousand Nine Hundred Nine and 25/100 (\$297,909.25), Mortgagors, by and through The Bank of New York, as Trustee, for New South Federal Savings Bank, Series 2001-1 as assignee and holder, do grant, bargain, sell and convey unto The Bank of New York, as Trustee, New South Federal Savings Bank, Series 2001-1 the following described real property situated in Shelby County, Alabama to wit:



20090818000318690 2/3 \$21.00
Shelby Cnty Judge of Probate, AL
08/18/2009 02:18:17 PM FILED/CERT

Begin at the SE corner of Lot 8 of Paradise Cove Phase Three, as recorded in Map Book 27, Page 94 in the Judge of Probate Office of Shelby County, Alabama and run westerly along the S line of said Lot 8, 560.18' to an iron pin; also being the southerly point on a 60' ROW line of Paradise Cove Lane; thence 92 deg 48 min 46 sec left run southerly for 173.53' to the 397 contour of Lay Lake; thence left and run southerly along the said 397 contour of Lay Lake 1505.4' more or less to the afore said SE corner of Lot 8 and the point of beginning; being a portion of Wally's Courthouse as recorded in Map Book 13, page 63 in the Probate Office of Shelby County, Alabama, being situated in the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 23, and the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec 26, T-21-S,R-1-E.

TO HAVE AND TO HOLD, the above described property unto The Bank of New York, as Trustee, New South Federal Savings Bank, Series 2001-1, their heirs and legal representatives; 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 Bank of New York, as Trustee, New South Federal Savings Bank, Series 2001-1 has caused this instrument to be executed by and through Paul J. Spina, III, as auctioneer conducting said sale for said Mortgagee, and said Paul J. Spina, III, has hereto set his hand and seal on this the 18th day of August, 2009.

BY: Terry M. Habshey

BY: The Bank of New York, as Trustee, New
South Federal Savings Bank, Series 2001-1


BY:

Paul J. Spina, III
as Attorney in Fact

BY:

Paul J. Spina, III
as Auctioneer

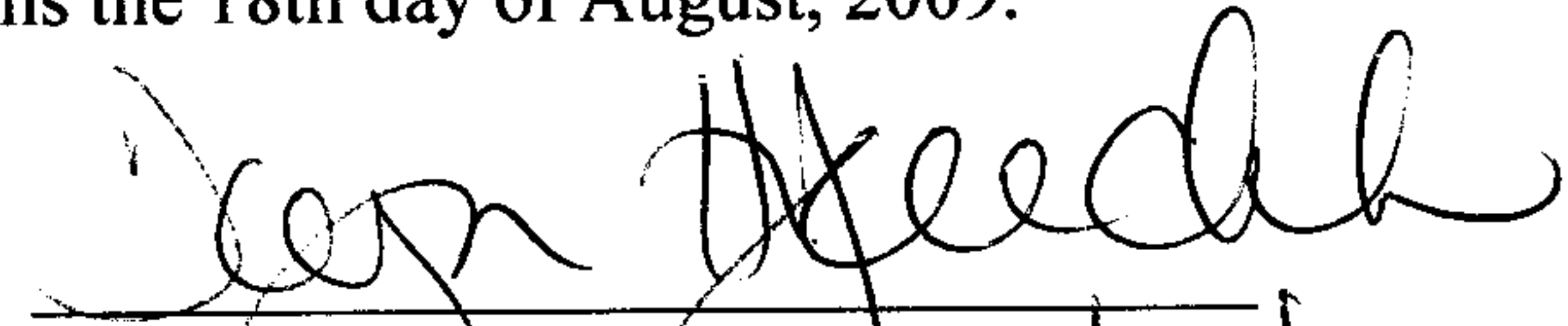
STATE OF ALABAMA)
)
SHELBY COUNTY)


20090818000318690 3/3 \$21.00
Shelby Cnty Judge of Probate, AL
08/18/2009 02:18:17 PM FILED/CERT

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Paul J. Spina, III, whose name as auctioneer and attorney in-fact for the Mortgagee, 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 this conveyance, he in his capacity as such auctioneer, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of August, 2009.

[Notary Seal]


Notary Public
My Commission Expires: 5/22/13

This instrument prepared by:
YEAROUT, SPINA & LAVELLE, P.C.
1500 Urban Center Drive, Suite 450
Birmingham, Alabama 35242
(205) 298-1800
Attorneys for Mortgagee
Loan # 0018019539

Send Tax Notice to:

New South Federal Savings Bank
210 Automation Way
Birmingham, AL 35210