

SEND TAX NOTICE TO:  
Branch Banking & Trust Co.  
301 College Street, 6th Floor  
Greenville, SC 29601

CM #: 46255-131

STATE OF ALABAMA )

COUNTY OF SHELBY )

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 30th day of November, 2006, Harry D. Horton and Beth M. Horton, husband and wife, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc., solely as nominee for Gulf States Mortgage Corporation, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number: 20061212000604640, said mortgage having subsequently been transferred and assigned to Branch Banking and Trust Company, ("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 Branch Banking and Trust Company 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 17, 2009, June 24, 2009, and July 1, 2009; and

WHEREAS, on August 7, 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 Branch Banking and Trust Company 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 Branch Banking and Trust Company ; and

WHEREAS, Branch Banking and Trust Company, was the highest bidder and best bidder in the amount of Four Hundred Forty-Two Thousand And 00/100 Dollars (\$442,000.00) on the indebtedness secured by said mortgage, the said Branch Banking and Trust Company, 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 Branch Banking and Trust Company, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 12, according to the Survey of Heatherwood Fourth Sector Second Addition, as recorded in Map Book 12, Pages 79, 80 and 81, in the Probate Office of Shelby County, Alabama

TO HAVE AND TO HOLD the above described property unto Branch Banking and Trust Company 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, Branch Banking and Trust Company, 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 August 7, 2009.

Branch Banking and Trust Company

By:

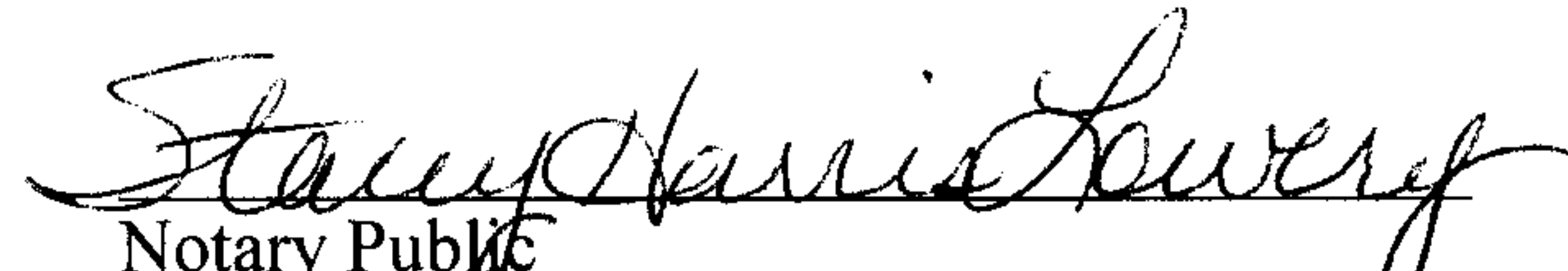
Aaron Warner, Auctioneer and Attorney-in-Fact

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 Branch Banking and Trust Company, 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 August 7, 2009.

  
Notary Public  
My Commission Expires NOVEMBER 19, 2012

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