


This instrument was prepared by:
Harold H. Goings
Spain & Gillon, LLC
2117 2nd Avenue North
Birmingham, AL 35203


20090831000334750 1/2 \$16.00
Shelby Cnty Judge of Probate, AL
08/31/2009 10:38:00 AM FILED/CERT

STATE OF ALABAMA)

MORTGAGE FORECLOSURE DEED

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That whereas heretofore on to-wit: the 24th day of October, 2003, Daren Whitaker and Jennifer A. Whitaker, husband and wife, executed a certain mortgage on the property hereinafter described to SouthTrust Mortgage Corporation now known as Wachovia Bank, N.A., as recorded in Instrument Number 20031031000727670 and re-recorded in Instrument Number 20040223000092850 in the Probate Office of Shelby County, Alabama.

WHEREAS, in and by said mortgage the mortgagee was authorized and empowered in case of default in the payment of the indebtedness thereby secured 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 city by publication once a week for three 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 mortgagee or any person conducting said sale for the mortgagee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the mortgagee may bid at the sale and purchase said property if the highest bidder therefor; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said SouthTrust Mortgage Corporation did declare all of the indebtedness secured by 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 by publication in the Shelby County Reporter, a newspaper published in Shelby County, Alabama, and of general circulation in Shelby County, Alabama, in its issues of July 22 and 29, 2009 and August 5, 2009; and

WHEREAS, on the 21st day of August, 2009, the day on which the foreclosure was due to be held under the terms of said notice, between legal hours of sale, said foreclosure was duly and properly conducted, and SouthTrust Mortgage Corporation did offer for sale and sell at public outcry in front of the Courthouse at Shelby County, Alabama, the property hereinafter described; and

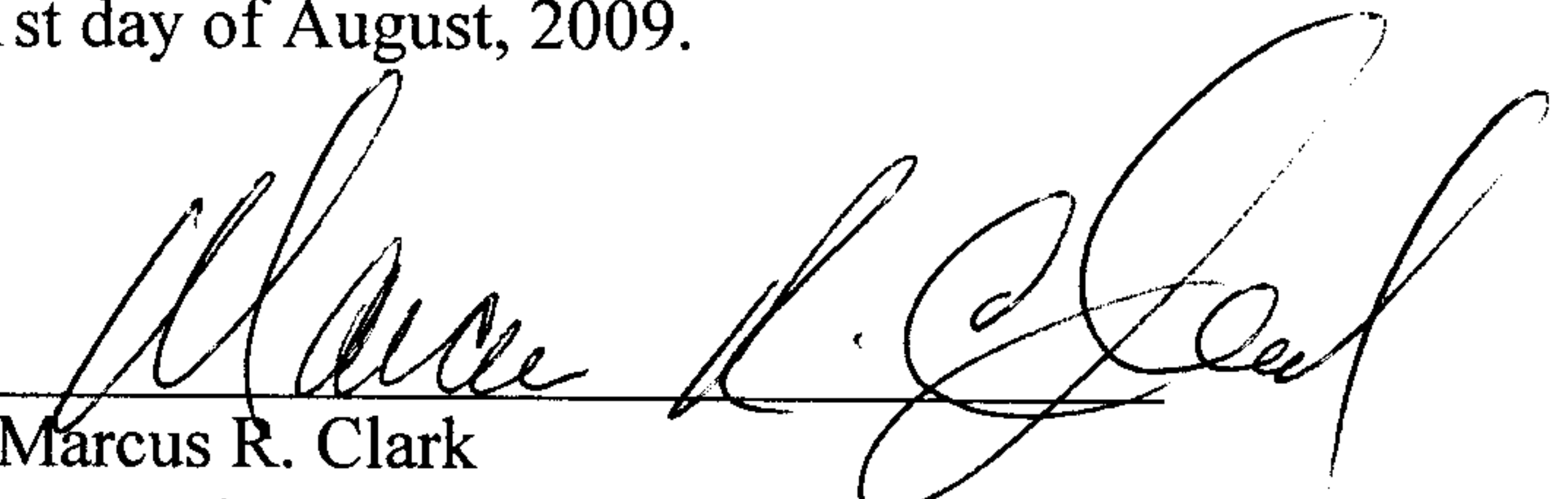
WHEREAS, Marcus R. Clark was the Auctioneer who conducted said foreclosure sale and was the person conducting said sale for the said SouthTrust Mortgage Corporation ; and

WHEREAS, the highest and best bid for the property described in the aforementioned mortgage was the bid of **Wachovia Bank, N.A.**, in the amount of **One Hundred Nine Thousand Eight Hundred Twenty-Six and no/100 Dollars (\$109,826.00)**, which sum of money SouthTrust Mortgage Corporation offered to credit on the indebtedness secured by said mortgage, the said SouthTrust Mortgage Corporation by and through Marcus R. Clark as Auctioneer conducting said sale and as attorney in fact for SouthTrust Mortgage Corporation and the said Marcus R. Clark as Auctioneer conducting said sale, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said **Wachovia Bank, N.A.**, the following described property situated in Shelby County, Alabama, to-wit:

Lot 34, according to the Survey of Park Place, Third Addition, as recorded in Map Book 17, Page 83, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD the above described property to **Wachovia Bank, N.A.**, 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, SouthTrust Mortgage Corporation has caused this instrument to be executed by and through Marcus R. Clark as Auctioneer conducting said sale, and as Attorney in Fact, and Marcus R. Clark, as Auctioneer conducting said sale has hereto set his hand and seal on this the 21st day of August, 2009.

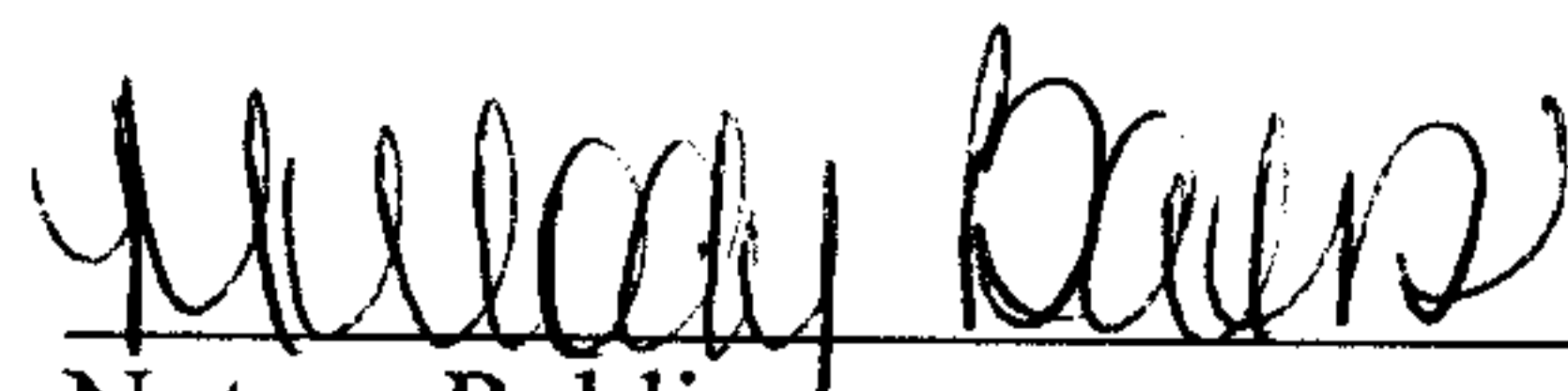


Marcus R. Clark
as Auctioneer and Attorney in Fact

STATE OF ALABAMA)
COUNTY OF SHELBY)


I, the undersigned, a Notary Public for the State of Alabama, and said County, hereby certify that Marcus R. Clark whose name as Auctioneer and Attorney in Fact for SouthTrust Mortgage Corporation 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 the conveyance, he, in his capacity as said Auctioneer and Attorney in Fact, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 21st day of August, 2009.



Notary Public
My Commission Expires: **MY COMMISSION EXPIRES 07-27-2011**

Grantor's Address:
1100 Corporate Center Drive
Raleigh, North Carolina 27607-5066


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