

2nd

AUCTIONEER'S DEED

20091202000442750 1/3 \$19.00
Shelby Cnty Judge of Probate, AL
12/02/2009 10:08:25 AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

WHEREAS, ALFRED L. OVERTON, a Single Man executed a mortgage to New Century Mortgage Corporation on the 25th day of April, 2002 on that certain real property hereinafter described, which mortgage is recorded in Instrument No. 20020507000211690, of the records in the Office of the Judge of Probate, Shelby County, Alabama; which said mortgage was subsequently assigned to Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of October 1, 2002, Morgan Stanley Dean Witter Capital I, Inc. Trust 2002-NC5 by instrument recorded in Instrument No. 20091202000442750 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 June 10th, June 17th and June 24th, 2009; 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 July 22nd, 2009; 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 August 26th, 2009; fixing the time of the sale of said property to be during the legal hours of sale on the 18th day of August, 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 18th day of September, 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 **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF OCTOBER 1, 2002, MORGAN STANLEY DEAN WITTER CAPITAL I, INC., TRUST 2002-NC5** was the highest and best bidder and did become the purchaser of the real property hereinafter described for the sum of \$65,869.03 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 Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of October 1, 2002, Morgan Stanley Dean Witter Capital I, Inc., Trust 2002-NC5, by and through Michael T. Atchison as such auctioneer, and as its attorney-in-fact, and Alfred L. Overton 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 **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF OCTOBER 1, 2002, MORGAN STANLEY DEAN WITTER CAPITAL I, INC., TRUST 2002-NC5**, its successors and assigns, the following described real property situated in the County of Shelby, State of Alabama, to-wit:

Situated in the County of Shelby, State of Alabama, and being further described as follows:

Start at the Southeast corner of the Northwest quarter of the Southwest quarter of Section 33, Township 17 South, Range 1 East, Shelby County, Alabama for a point of beginning; thence measure West along 1/4 - 1/4 section line approximately 700 feet to the intersection of said 1/4 - 1/4 section line and the Central of Georgia Railway right of way; thence along said Central of Georgia Railway right of way in a Northeastwardly direction approximately 990 feet; thence South along the 1/4 - 1/4 section line approximately 700 feet back to the point of beginning.

Less and except the following:

A parcel of land situated in Section 33, Township 17 South, Range 1 East, Shelby County, Alabama, being more particularly described as follows:

From the Southwest corner of the Northwest quarter of the Southwest quarter of Section 33; thence run West along the South line of said quarter-quarter section for a distance of 021.41 feet to the point of beginning; thence run an azimuth of 64 degrees 30 minutes 41 seconds for a distance of 45.06 feet to a point; thence run an azimuth of 81 degrees 26 minutes 10 seconds for a distance of 81.23 (more correctly: 61.23) feet to a point; thence run an azimuth of 343 degrees 17 minutes 08 seconds for a distance of 216.36 feet to the South right of way line of Central of Georgia Railroad; thence run an azimuth of 226 degrees 11 minutes 02 seconds along said right of way for a distance of 383.39 feet; more or less to the intersection of the South boundary line of said quarter-quarter section and said right of way; thence run an azimuth of 99 degrees 15 minutes 15 seconds along the South line of said quarter-quarter section for a distance of 248.00 feet, more or less, to the point of beginning, containing 1.0 acres, more or less, as described property was conveyed in Deed recorded in Book 289, Page 376 (more correctly: 375) in the Office of the Judge of Probate of Shelby County, Alabama.

And less and except the following:

From the Southeast corner of the Northwest quarter of the Southwest quarter of Section 33, Township 17 South, Range 1 East, go 269 degrees 15 minutes 15 seconds 151.27 feet for a point of beginning; thence 308 degrees 19 minutes 37 seconds 72.26 feet; thence 358 degrees 26 minutes 01 seconds 177.74 feet; thence 241 degrees 26 minutes 10 seconds 423.52 feet; thence 234 degrees 30 minutes 41 seconds 45.05 feet; thence 89 degrees 15 minutes 15 seconds 470.14 feet to the point of beginning, containing 1.12 acres, more or less, as described property was conveyed in Deed recorded in Book 300, Page 347 in the Office of the Judge of Probate of Shelby County, Alabama.

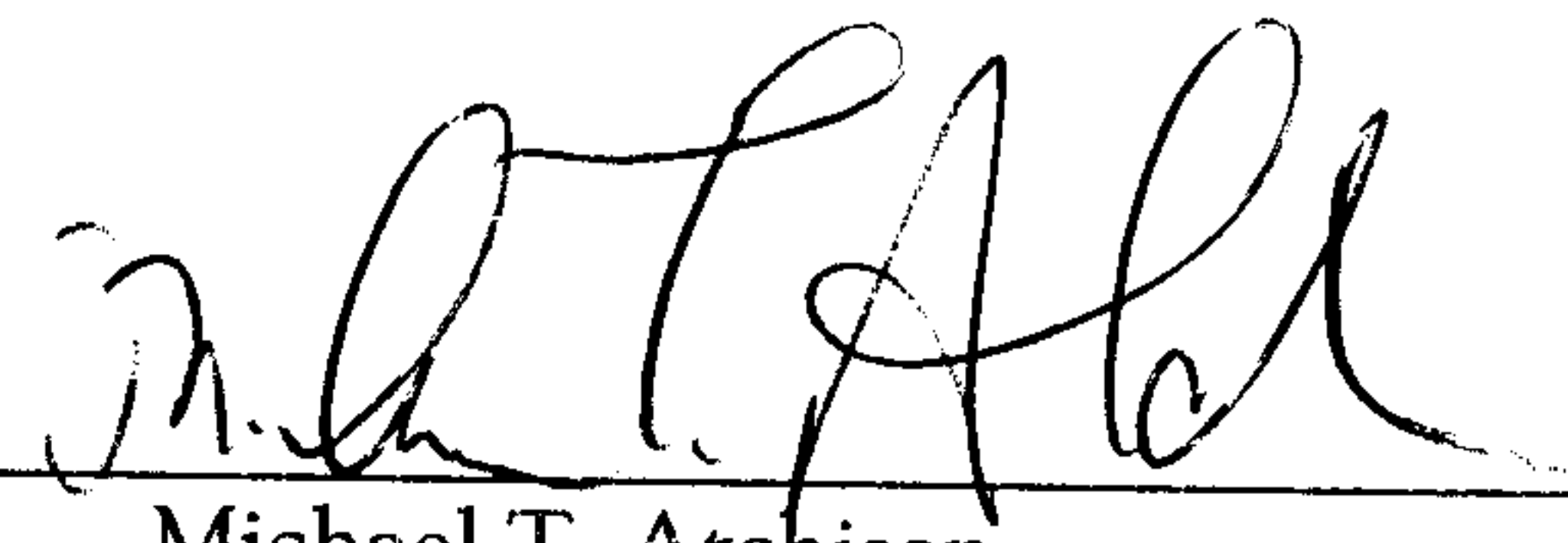
TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments, easements and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF OCTOBER 1, 2002, MORGAN STANLEY DEAN WITTER CAPITAL I, INC., TRUST 2002-NC5**, 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 Alfred L. Overton, and Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of October 1, 2002, Morgan Stanley Dean Witter Capital I, Inc., Trust 2002-NC5, have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on this the 18th day of September, 2009.

Deutsche Bank National Trust Company, as Trustee
under the Pooling and Servicing Agreement dated as

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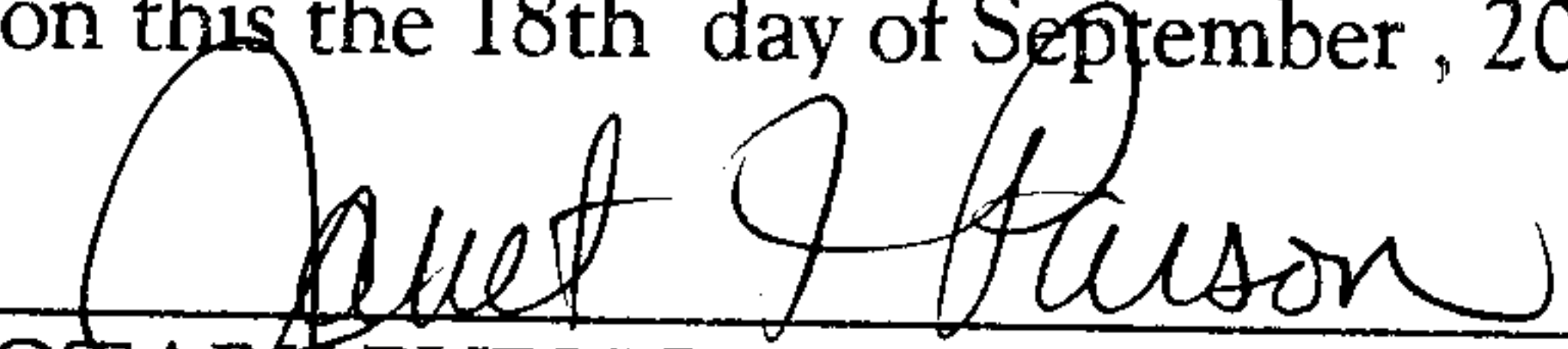
of October 1, 2002, Morgan Stanley Dean Witter
Capital I, Inc., Trust 2002-NC5

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 Alfred L. Overton, and Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of October 1, 2002, Morgan Stanley Dean Witter Capital I, Inc., Trust 2002-NC5 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 18th day of September, 2009.


NOTARY PUBLIC
My Commission Expires: 10/16/2012

Grantee's address:

4828 Loop Central Drive
Houston, Texas 77081-2226

This instrument prepared by:

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