



20091211000455620 1/3 \$19.00
Shelby Cnty Judge of Probate, AL
12/11/2009 12:17:45 PM FILED/CERT

Return To:

Kenney, Solomon & Medina
3675 Crestwood Parkway, Ste. 300
Duluth, Georgia 30096

**Clerk: Please cross reference
this Affidavit to the following
recorded instruments:**

1. Foreclosure Deed filed on
June 2, 2009, Instrument Number
20090602000208840;
2. Mortgage filed on April 27, 2005,
Instrument Number
20050427000201930;
3. Assignment Recorded on
July 8, 2007, Instrument
Number 20070108000010360,

STATE OF ALABAMA
COUNTY OF SHELBY

AFFIDAVIT OF MARCUS CLARK

IN RE: Foreclosure Deed Recorded on June 2, 2007, Shelby
County Probate Records, Instrument Number
20090602000208840

Personally appeared, before the undersigned, attesting officer duly
authorized to administer oaths, Marcus Clark, who upon being duly sworn,
depose and states under oath as follows:

1.

I am over the age of nineteen (19) and give this affidavit based upon my
personal knowledge to the facts contained herein. I am competent to testify as to
all matters asserted herein.

2.

I am the auctioneer who conducted a foreclosure sale on April 8, 2009 on behalf of The CIT Group/Consumer Finance, Inc., the transferee herein, as to the following described property situated in Shelby County, Alabama, to-wit:

Lot 3, according to the Survey of Park Forest Subdivision, Third Sector, as recorded in Map Book 16, Page 101, in the Probate Court of Shelby County, Alabama.

Parcel ID# 2372600040003000

More commonly known as 202 Park Forest Terrace, Montevallo, Alabama 35115

3.

At the foreclosure sale, LSF6 Mercury REO Investments Trust Series 2008-1 was the highest and best bidder in the amount of \$121,130.00.

4.

Following completion of the foreclosure sale, The CIT Group/Consumer Finance, Inc. determined that the notices required by the terms of the Mortgage may not have been properly delivered due to a change in mailing address instituted by the postal service.

5.

Based on the possible failure of the delivery of the foreclosure notices required to be delivered pursuant to the terms of the Mortgage, The CIT Group/Consumer Finance, Inc. is considered to be null and void and the Mortgage between Scott J. Mamoreaux and Amy J. Lamoreaux, Husband and Wife, as Mortgagors, in favor of Wilmington Finance, a division of AIG Federal Savings Bank, a corporation, said mortgage being recorded in Instrument



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Number 20050427000201930, as well as the Assignment to The CIT
Group/Consumer Finance, Inc. being recorded in Instrument Number
20070108000010360 remain in full force and effect.

Further Affiant sayeth not.

MARCUS CLARK
Auctioneer who conducted said sale and
Attorney-in-fact

Sworn to and subscribed
before me this 21st day
of October, 2009.

Notary Public

MY COMMISSION EXPIRES 07-27-2011