

AFFIDAVIT SETTING ASIDE KELLY M. STEWART
MORTGAGE FORECLOSURE DEED

Comes now W. L. Longshore, III, as attorney and auctioneer for
MortgageAmerica, Inc., and avers the following:


1. Kelly M. Stewart executed a mortgage to Mortgage Electronic Registrations Systems, Inc., as nominee for MortgageAmerica, Inc. on November 30, 2007 with said mortgage being recorded in Instrument No. 2007120600552810 in the Probate Court of Shelby County, Alabama.

2. Due to an error in our title search, an assignment of the mortgage from Mortgage Electronic Registrations Systems, Inc. to CitiMortgage, Inc. recorded on June 23, 2008 in Instrument No. 20080623000256040 was missed in the title search. The mortgage foreclosure sale was to be conducted in the name of MortgageAmerica, Inc., and this missed assignment resulted in an erroneous assignment from Mortgage Electronic Registrations Systems, Inc. as nominee for MortgageAmerica, Inc. to MortgageAmerica, Inc. being recorded on June 11, 2009 in Instrument No. 20090611000223130.

3. The foreclosure sale was advertised in the name of MortgageAmerica, Inc. based on the above erroneous assignment, and the foreclosure sale was conducted on August 12, 2009 which resulted in MortgageAmerica, Inc. being the successful bidder, and a Mortgage Foreclosure Deed to MortgageAmerica, Inc. being recorded in the Probate Court of Shelby County, Alabama on August 14, 2009 under Instrument No. 20090814000314190.


4. Since title to the mortgage was in the name of CitiMortgage, Inc. at that time, the mortgage foreclosure sale did not operate to transfer title to the property to MortgageAmerica, Inc. nor did it affect the underlying mortgage that was reportedly being foreclosed. The purpose of this affidavit is to aver that the aforesaid Mortgage

Foreclosure Deed is null and void due to the aforesaid.


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Shelby Cnty Judge of Probate, AL
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5. An assignment from CitiMortgage, Inc. to MortgageAmerica, Inc. is going to be recorded immediately after this affidavit, and a new foreclosure sale will be advertised and conducted in the name of MortgageAmerica, Inc. after title to the mortgage is properly vested in MortgageAmerica, Inc. via the aforesaid assignment from CitiMortgage, Inc. to MortgageAmerica, Inc.

Dated this 15th day of December, 2009.


W. L. Longshore, III
Attorney and Auctioneer for
MortgageAmerica, Inc.

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that W. L. Longshore, III whose name as attorney and auctioneer for said MortgageAmerica, Inc., is signed to the foregoing affidavit 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 attorney and auctioneer, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 15th day of December, 2009.


NOTARY PUBLIC
My Commission Expires: