

SEND TAX NOTICE TO:
Bank of America
7105 Corporate Drive, Mail Stop PTX-C-35
Plano, TX 75024

CM #: 134794

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 20th day of September, 2005, Zac Smith, an unmarried man, a/k/a Zachary Michael Smith, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc., solely as nominee for Taylor, Bean & Whitaker Mortgage Corp., which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20050927000501640, said mortgage having subsequently been transferred and assigned to BAC Home Loans Servicing, L.P., by instrument recorded in Instrument No. 20091113000423850, in the aforesaid Probate Office ("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 BAC Home Loans Servicing, L.P. 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 November 4, 2009, November 11, 2009, and November 18, 2009; and

WHEREAS, on December 8, 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 BAC Home Loans Servicing, L.P. 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 Nelson was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said BAC Home Loans Servicing, L.P. ; and

WHEREAS, BAC Home Loans Servicing, L.P., was the highest bidder and best bidder in the amount of Seventy-Eight Thousand Eight Hundred Eighty-Six And 96/100 Dollars (\$78,886.96) on the indebtedness secured by said mortgage, the said BAC Home Loans Servicing, L.P., by and through Aaron Nelson as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto BAC Home Loans Servicing, L.P., all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

For a point of beginning commence at the Northeast corner of the NW 1/4 of the SW 1/4 of the SE 1/4 of Section 26, Township 19 South, Range 1 West, Shelby County, Alabama and thence run South 0 Degrees 00 Minutes 43 Seconds West along the East boundary of said 1/4-1/4-1/4 for a distance of 236.17 feet; thence South 89 Degrees 17 Minutes 37 Seconds West for a distance of 37.05 feet; thence North 37 Degrees 53 Minutes 41 Seconds West for a distance of 348.02 feet to a point on the Southeasterly right of way boundary of Shelby County Highway No. 39; thence North 45 Degrees 48 Minutes 12 Seconds East along said right of way for a distance of 82.24 feet; thence South 63 Degrees 34 Minutes 46 Seconds East and leaving said right of way for a distance of 214.27 feet, back to the point of beginning, containing 1.00 acre, more or less.

TO HAVE AND TO HOLD the above described property unto BAC Home Loans Servicing, L.P. 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, BAC Home Loans Servicing, L.P., has caused this instrument to be executed by and through Aaron Nelson, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Nelson, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this December 8, 2009.

BAC Home Loans Servicing, L.P.

By:

Aaron Nelson
Aaron Nelson, 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 Nelson, acting in his/her capacity as auctioneer and attorney-in-fact for BAC Home Loans Servicing, L.P., 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 December 8, 2009.

Heather Meretta Jones
Notary Public
My Commission Expires: MY COMMISSION EXPIRES JUNE 10, 2012

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

