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Shelby Cnty Judge of Probate, AL
01/07/2010 12:43:49 PM FILED/CERT

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

CM #: 131558

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 17th day of March, 2005, Joel Douglas Foshee and Caran Wilbanks-Foshee, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for America's Wholesale Lender, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20050321000125650, said mortgage having subsequently been transferred and assigned to BAC Home Loans Servicing, L.P., by instrument recorded in Instrument Number 2009111000420340, 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 September 2, 2009, September 9, 2009, and September 16, 2009; and

WHEREAS, on December 18, 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 Warner 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, Federal Home Loan Mortgage Corporation, was the highest bidder and best bidder in the amount of One Hundred Fifteen Thousand Six Hundred Nineteen And 51/100 Dollars (\$115,619.51) on the indebtedness secured by said mortgage, the said BAC Home Loans Servicing, L.P., by and through Aaron Warner as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto Federal Home Loan Mortgage Corporation, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 37A according to the Survey of Re-survey of Lots 37 and 38
Daventry Sector II, Phase II as recorded in Map Book 31, Page 19,
Shelby County, Alabama Records.

TO HAVE AND TO HOLD the above described property unto Federal Home Loan Mortgage Corporation 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 Warner, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Warner, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this December 18, 2009.

BAC Home Loans Servicing, L.P.

By: 

Aaron Warner, 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 Warner, 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 18, 2009.



Notary Public

My Commission Expires: MY COMMISSION EXPIRES JUNE 10, 2012

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

