

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

CM #: 110741

STATE OF ALABAMA)

COUNTY OF SHELBY)

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 20th day of May, 2004, James Whatley and Donna Whatley, as husband and wife, executed that certain mortgage on real property hereinafter described to Heritage Bank, which said mortgage was recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument Number 20040527000282660, said mortgage having subsequently been transferred and assigned to Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10, by instrument recorded in 20090121000018110, 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 Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10 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 December 9, 2009, December 16, 2009, and December 23, 2009; and

WHEREAS, on January 15, 2010, 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 Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10 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 Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10; and

WHEREAS, Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10, was the highest bidder and best bidder in the amount of Two Hundred Seventy-One Thousand Three Hundred Ninety-Five And 89/100 Dollars (\$271,395.89) on the indebtedness secured by said mortgage, the said Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10, 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 Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10, all of its right, title, and interest in and to the following described property situated in Shelby County, Alabama, to-wit:

Lot 524, according to the map of Highland Lakes, 5th Sector, Phase II, an Eddleman Community, as recorded in Map Book 19, Page 3 A & B, in the Probate Office of Shelby County, Alabama.

Together with nonexclusive easement to use the private roadways, common area all as more particularly described in the declaration of easement and master protective covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111, in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 5th Sector, Phase 1, recorded as Instrument #1994-07910 and Supplemental Declaration of Protective Covenants of Highland Lakes, a Residential Subdivision, Fifth Sector, Phase II, recorded in Instrument #1994-31018, in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, in hereinafter collectively referred to as, the "Declaration").



20100129000029210 2/3 \$20.00
Shelby Cnty Judge of Probate, AL
01/29/2010 02:31:49 PM FILED/CERT

TO HAVE AND TO HOLD the above described property unto Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10 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, Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10, 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 January 15, 2010.

Wachovia Bank, National Association as Trustee
for MASTR Alternative Loan Trust 2004-10
By: Aaron Warner
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 Wachovia Bank, National Association as Trustee for MASTR Alternative Loan Trust 2004-10, 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 January 15, 2010.

[Signature]
Notary Public
My Commission Expires: _____
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Apr 5, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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



20100129000029210 3/3 \$20.00
Shelby Cnty Judge of Probate, AL
01/29/2010 02:31:49 PM FILED/CERT