

VA Form 26-40 (322)  
JUNE, 1983. Use optional Section 1810,  
Title 38 U.S.C. Acceptable to  
Federal National Mortgage Association

2nd  
20100330000094510 1/3 \$21.00  
Shelby Cnty Judge of Probate, AL  
03/30/2010 10:53:58 AM FILED/CERT

### MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA  
COUNTY OF SHELBY

**KNOW ALL MEN BY THESE PRESENTS:** That WILLIAM E. MATHIS and ROSE MURPHY MATHIS, husband and wife, did, on to-wit, October 7, 2002, execute a mortgage to Mortgage Electronic Registration Systems, Inc. (MERS) acting solely as nominee for Lender and Lender's Successors and Assigns, which mortgage is recorded in Instrument No. 20021113000566170, et seq., in the Office of the Judge of Probate of Shelby County; which said mortgage was subsequently assigned to BAC Home Loans Servicing LP by instrument recorded in Instrument No. 20100330000094500 of said Probate Court records; and

**WHEREAS**, default was made in the payment of the indebtedness secured by said mortgage and the said BAC Home Loans Servicing LP did declare all of the indebtedness secured by said mortgage due and payable and did give due and proper notice of the foreclosure of said mortgage, in accordance with the terms thereof, by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama, in its issues of August 12th, August 19th and August 26th, 2009; and

**WHEREAS**, on September 17th, 2009, the day on which the foreclosure sale was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure sale was duly and properly conducted, and did offer for sale and did sell at public outcry, in front of the Courthouse door of Shelby County, Alabama, in the City of Columbiana, Alabama, the property hereinafter described; and

**WHEREAS**, the highest and best bid for cash obtained for the property described in the aforementioned mortgage was the bid of the said Two Hundred Thirty Six Thousand, One Hundred Eighty Eight dollars and 40/100, in the amount of (\$236,188.40) Dollars, which sum the said BAC Home Loans Servicing LP offered to credit on the indebtedness secured by said mortgage, and said property was thereupon sold to the said **BAC HOME LOANS SERVICING LP**; and

**WHEREAS**, said mortgage expressly authorized the Mortgagee to bid at the said sale and purchase said property, if the highest bidder therefor, and authorized the Mortgagee or Auctioneer or any person conducting said sale for the Mortgagee to execute to the purchaser at the sale a deed to the property so purchased;

**NOW, THEREFORE**, in consideration of the premises and of a credit of \$236,188.40 Dollars, on the indebtedness secured by said mortgage, the said William E. Mathis and Rose Murphy Mathis, acting by and through the said BAC Home Loans Servicing LP by Michael T. Atchison, as said Auctioneer and the person conducting the said sale for the Mortgagee or Transferee of Mortgagee, and the said BAC Home Loans Servicing LP by Michael T. Atchison, as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and Michael T. Atchison as said Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto **BAC HOME LOANS SERVICING LP**, the following described real property situated in Shelby County, Alabama, to-wit:

LOT 448, ACCORDING TO THE SURVEY OF FOREST PARKS, 4TH SECTOR, 3RD PHASE RECORDED IN MAP BOOK 24, PAGE 98, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA BEING THE SAME PROPERTY CONVEYED TO WILLIAM E. MATHIS AND ROSE MURPHY MATHIS BY DEED FROM JOHN E. MCFARLAND AND HIS WIFE, TERESA D. MCFARLAND RECORDED 3/18/2002 IN INSTRUMENT NUMBER 200212579.

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**TO HAVE AND TO HOLD** the above described property unto **BAC HOME LOANS SERVICING LP**, forever; subject, however, to the statutory right of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama.

**IN WITNESS WHEREOF**, the said BAC Home Loans Servicing LP, has caused this instrument to be executed by Michael T. Atchison, as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and in witness whereof the said Michael T. Atchison has executed this instrument in his capacity as such Auctioneer as of this the 17th day of September, 2009.

William E. Mathis and Rose Murphy Mathis

BY: BAC Home Loans Servicing LP Mortgagee or Transferee of Mortgagee

BY: Michael T. Atchison  
As Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee

BAC Home Loans Servicing LP  
Mortgagee or Transferee of Mortgagee

BY: Michael T. Atchison  
As Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Michael T. Atchison, whose name as Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he, in his capacity as such Auctioneer and the person conducting said sale for the Mortgagee or Transferee of Mortgagee, and with full authority, executed this instrument voluntarily on the day the same bears date.


Given under my hand and notarial seal on this the <sup>30</sup>17th day of <sup>March, 2010</sup>~~September, 2009~~.

Kelly B. Mullin  
NOTARY PUBLIC  
My Commission Expires: 6/28/2013

Grantee's address:  
5401 North Beach Street  
Mail Stop: FWTX-35  
Fort Worth, Texas 76137

This instrument prepared by:  
William S. McFadden  
McFADDEN, LYON & ROUSE, L.L.C.  
718 Downtowner Boulevard  
Mobile, Alabama 36609  
(251) 342-9172

**McFADDEN, LYON & ROUSE, L.L.C.**  
**ATTORNEYS AND COUNSELLORS AT LAW**  
**718 DOWNTOWNER BOULEVARD**  
**MOBILE, ALABAMA 36609-5499**

  
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STOVA F. McFADDEN  
 WILLIAM M. LYON, JR.  
 BETH McFADDEN ROUSE  
 WILLIAM S. McFADDEN  
 THOMAS M. BENTON, JR.  
 JOHN T. BENDER

TELEPHONE: (251) 342-9172  
 FACSIMILE: (251) 342-9457

August 19, 2009

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Internal Revenue Service  
 1555 Poydrass Street Suite 220, Stop: 65  
 Attn: Foreclosure Desk  
 New Orleans, LA 70112-3747

Internal Revenue Service  
 SBSE-Technical Services  
 Gulf States - Advisory

**AUG 25 2009**

**RE** Countrywide Home Loans Servicing, LP v. William & Rose Mathis **Technical Territory Area 5 Coll**  
**New Orleans, LA**

Gentlemen:

Notice is given pursuant to Section 7425(c)(1) of the Internal Revenue Code of the intended foreclosure of a mortgage executed by William & Rose Mathis to BAC Home Loans Servicing, LP dated the 7th day of October, 2002 and recorded in Instrument No. 20021113000566170 of the records in the Office of the Judge of Probate, Shelby County, Alabama.

Our title search reveals a federal tax liens styled as follows:

IRS v. William & Rose Mathis in the sum of \$45,335.55 dated 05/19/2009 and recorded in Instrument No. 20090528000202420 of the Birmingham County Probate Court records.

IRS v. William & Rose Mathis in the sum of \$3,963.42 dated 05/19/2009 and recorded in Instrument No. 20090528000202430 of the Birmingham County Probate Court records. A copy of said tax liens are enclosed.

Said mortgage covers a lot and residence within the City of Birmingham, and County of Shelby, Alabama, property address: 227 Linwood Road Birmingham, AL 35147, and more particularly described as follows:


Lot 448 as recorded in Map Book 24, page 984 of the records in the Office of the Judge of Probate, Shelby County, Alabama.

The approximate amount of the principal obligation is \$272,481.40, plus interest and late charges. In addition, there will be due at the time of the sale an attorney's fee of approximately \$600.00, the newspaper advertisement expenses of approximately \$300.00 and the title report expense of \$225.00, all of which will be chargeable against the sales proceeds. The payments due on the mortgage are delinquent from 02/01/2007.

Our foreclosure sale is set during the legal hours of sale on 09/17/2009, at the Shelby County Courthouse and the terms are cash to the highest bidder. A copy of the foreclosure notice is enclosed.

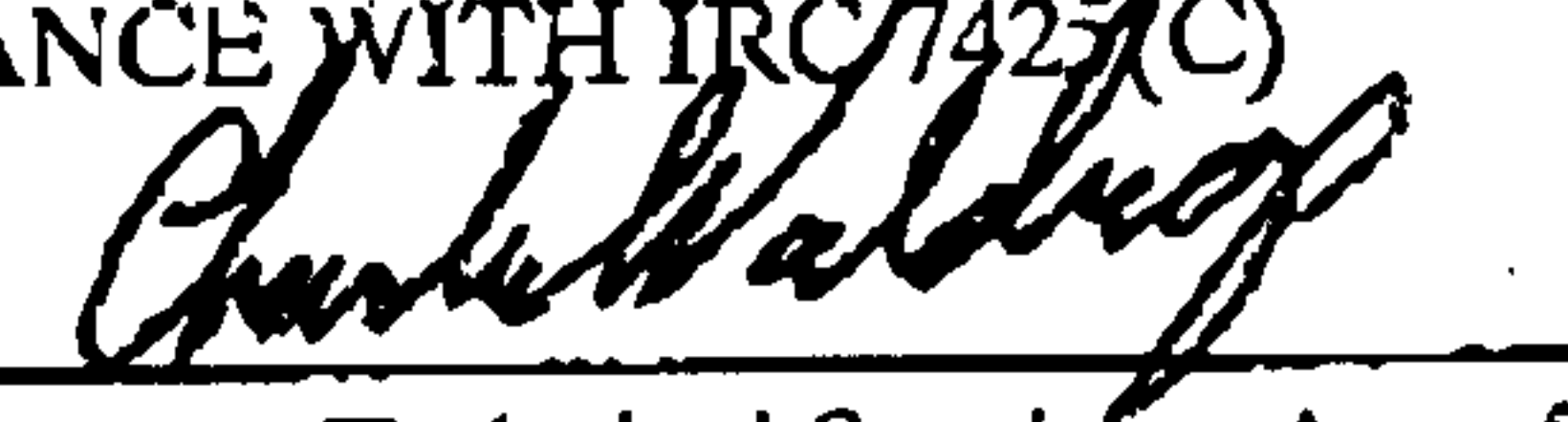
Very truly yours,

McFadden, Lyon & Rouse, LLC

  
 William S. McFadden  
 WSM/fhg

Enclosures

**THIS NOTICE IS CONSIDERED ADEQUATE  
 IN ACCORDANCE WITH IRC 7425(C)**

Signature:   
 Manager, Technical Services, Area 5  
 SBSE, Advisory, New Orleans, LA