

This instrument prepared by:
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Send Tax Notice to:
Secretary of Housing and Urban Development
c/o Michaelson, Connor & Boul
4400 Will Rogers Parkway, Suite 300
Oklahoma City, OK 73108-183

STATE OF ALABAMA)
COUNTY OF SHELBY)

DEED IN LIEU OF FORECLOSURE

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the amount owed to Grantee under that certain Note and Mortgage executed by Robert McCarter and wife, Melanye D. McCarter, to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Old Kent Mortgage Company, dated the 17th day of May 2000, and recorded in Instrument Number 2000-18881, in the Probate Office of Shelby County, Alabama; and in further consideration of the sum of One Dollar (\$1.00) to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is hereby acknowledged, Robert McCarter and wife, Melanye D. McCarter (herein referred to as "Grantors"), do grant, bargain, sell and convey unto the Secretary of Housing and Urban Development (herein referred to as "Grantee"), all of their right, title and interest in the hereinafter described real estate situated in Shelby County, Alabama, which said real estate is described as follows:

Lot 25, according to the Survey of Kenton Brant Nickerson
Subdivision, as recorded in Map Book 5, Page 53, in the
Probate Office of Shelby County, Alabama; being situated
in Shelby County, Alabama.

This deed is given in lieu of foreclosure of that certain Mortgage referred to hereinabove.

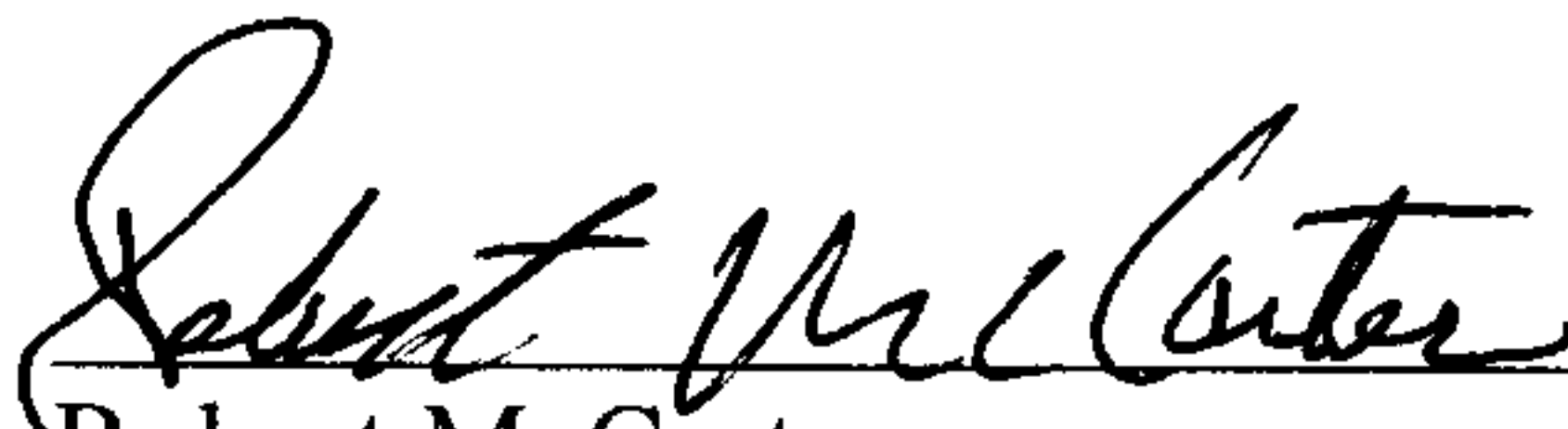
It is understood and agreed that the lien and title of the Mortgage referred to hereinabove shall be merged in the title hereby conveyed ONLY in the event of the full effectiveness of this conveyance, according to the terms and provisions expressed herein, and that, if for any reason, this conveyance shall be held ineffective in any particular, or in the event of the setting aside of this conveyance and any proceedings instituted under the Bankruptcy Code or otherwise, the Grantee shall be subrogated to, or shall be considered to have retained, all of its lien, title, and rights under the Mortgage, and the indebtedness secured thereby, and, in any such event, said Grantee shall have the right to proceed to a foreclosure of the Mortgage in all respects as if this instrument had not been executed and delivered to the Grantee. Further, it is the intent of the parties hereto, that the execution of the within conveyance by Grantors, and acceptance of delivery of this deed will not

operate as a merger of the mortgage lien into the fee of the property in the event the mortgage lien is necessary to protect the Grantee therein from intervening claims or liens of third persons, which were junior to the lien of the Mortgage.

And the Grantors do assign, covenant with the said Grantee that they are lawfully seized of said premises in fee simple; that it is free from all encumbrances except as hereinabove stated; that they have a good right to sell and convey the same as aforesaid; and that they will, and their successors and assigns shall warrant and defend the same unto the said Grantee, its successors and assigns forever, against the lawful claims of any and all persons.

TO HAVE AND TO HOLD to the said Grantee, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Robert McCarter and Melanye D. McCarter have hereunto set signature and seal this the 3 day of August, 2010.


Robert McCarter

STATE OF Alabama)
COUNTY OF Shelby)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify Robert McCarter, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this 3rd day of August, 2010.


NOTARY PUBLIC

My Commission Expires Oct. 19, 2010
My Commission Expires: _____

Melanye D. McCarter
Melanye D. McCarter

STATE OF Alabama)
COUNTY OF Shelby)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify Melanye D. McCarter, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this 3rd day of August, 2010.

Erion Y. Ison
NOTARY PUBLIC

My Commission Expires Oct. 19, 2010
My Commission Expires: _____