

AUCTIONEER'S DEED

STATE OF ALABAMA
COUNTY OF SHELBY

WHEREAS, TIMOTHY SMITH and ALEXANDRA SMITH, Husband and Wife executed a mortgage to Mortgage Electronic Registration Systems, Inc. (MERRS) acting solely as nominee for Lender, The Hurricane Mortgage Company, Inc., a Mississippi Corporation, and Lender's Successors and Assigns on the 26th day of July, 2007 on that certain real property hereinafter described, which mortgage is recorded in Instrument No. 20070810000376760, of the records in the Office of the Judge of Probate, Shelby County, Alabama; which said mortgage was subsequently assigned to BAC Home Loans Servicing LP by instrument recorded in Instrument No. 20100830000277940 of said Probate Court records; and

WHEREAS, in said mortgage the mortgagee was vested with full power and authority, upon the happening of a default in the payment of the principal note described in and secured by said mortgage or any installment of interest thereon, to sell said property hereinafter described at public outcry before the Courthouse door in the City of Columbiana, County of Shelby, Alabama, for cash to the highest bidder, after giving notice of the time, place and terms of sale by an advertisement published once a week for three successive weeks in a newspaper published in the City of Columbiana, Alabama; and

WHEREAS, default was made in the payment of said indebtedness described in and secured by said mortgage; and

WHEREAS, notice of the time, place and purposes of said sale, as required by said mortgage has been given in The Shelby County Reporter, a newspaper published in the City of Columbiana, Alabama, by an advertisement published in the issues of said newspaper on February 3rd, February 10th and February 17th, 2010; which said was postponed by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama; in its issue of March 10th, 2010; which said was postponed by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama; in its issue of April 21st, 2010; which said was postponed by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama; in its issue of June 9th, 2010; which said was postponed by publication in The Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, Shelby County, Alabama; in its issue of July 14th, 2010; fixing the time of the sale of said property to be during the legal hours of sale on the 6th day of August, 2010, and the place of same at the front door of the Courthouse of Shelby County, in the City of Columbiana, Alabama, and the terms of the sale to be cash; and

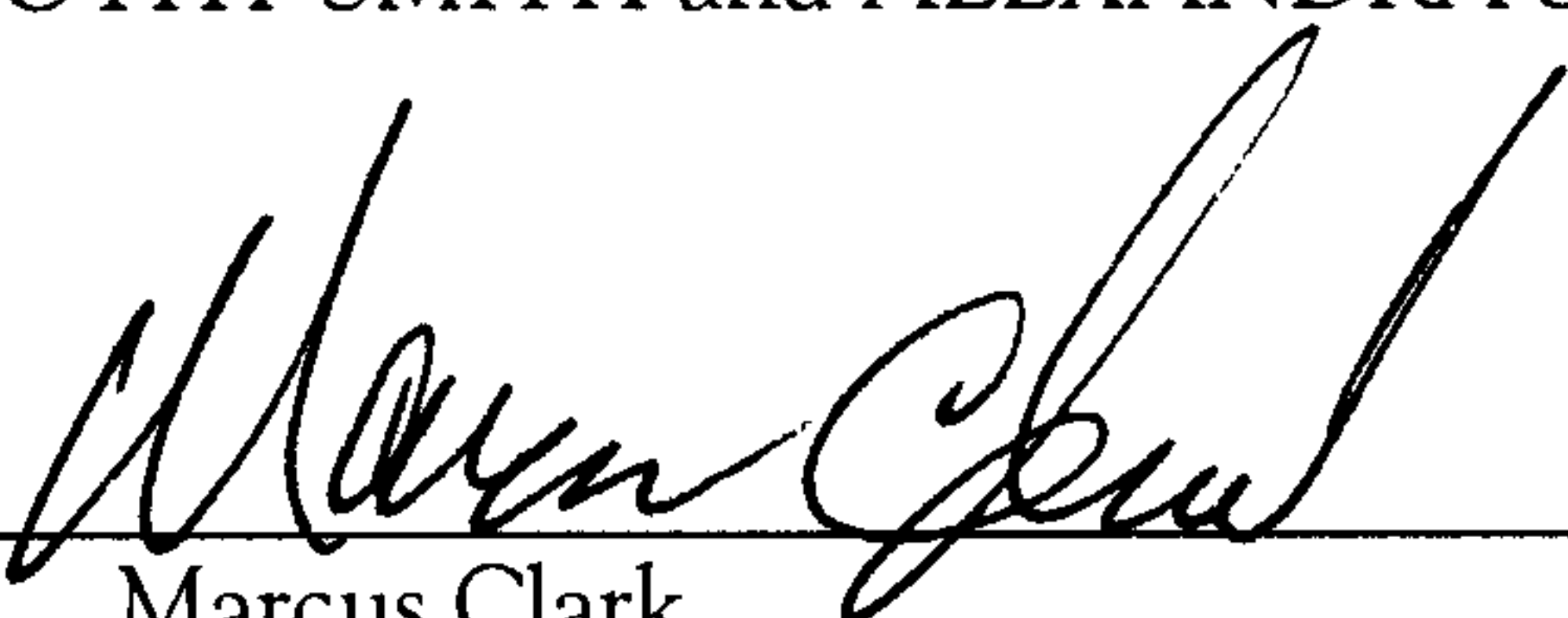
WHEREAS, a sale has been made of the said real property hereinafter described during the legal hours of sale on the 6th day of August, 2010, at the front door of the Courthouse of Shelby County, Alabama, in strict conformity with the powers of sale contained in the said mortgage, at which sale **BAC HOME LOANS SERVICING LP** was the highest and best bidder and did become the purchaser of the real property hereinafter described for the sum of **\$202,171.80** cash in hand paid by said purchaser to Marcus Clark, as auctioneer who conducted the sale on behalf of the owner of said mortgage; the said BAC Home Loans Servicing LP, by and through Marcus Clark as such auctioneer, and as its attorney-in-fact, and Timothy Smith and Alexandra Smith by Marcus Clark, as their attorney-in-fact, under and by virtue of the authority contained in said mortgage, do hereby GRANT, BARGAIN, SELL AND CONVEY unto **BAC HOME LOANS SERVICING LP**, its successors and assigns, the following described real property situated in the County of Shelby, State of Alabama, to-wit:

Lot 9, according to the survey of Brandywine, Second Sector, as recorded in Map Book 7, page 6 in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments, easements and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said **BAC HOME LOANS SERVICING LP**, the purchaser at said sale, its successors and assigns, 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, and any and all ad valorem taxes due or assessed.

IN WITNESS WHEREOF, the said BAC Home Loans Servicing LP, and Timothy Smith and Alexandra Smith, have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on this the 6th day of August, 2010.

BAC HOME LOANS SERVICING LP and
TIMOTHY SMITH and ALEXANDRA SMITH

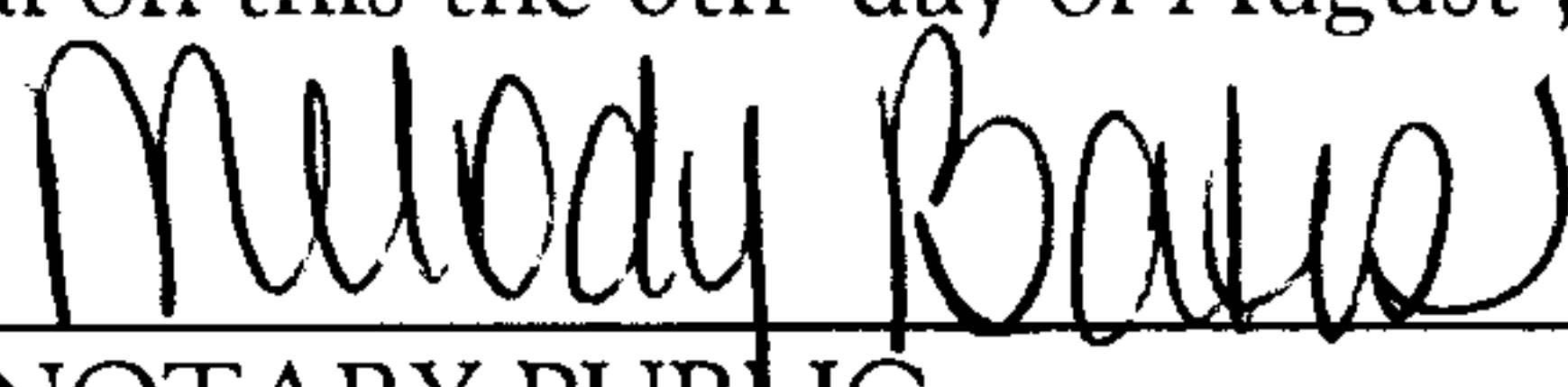
BY: 

Marcus Clark
As Attorney-in-Fact and Auctioneer

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said State and County, hereby certify that Marcus Clark, whose name as attorney-in-fact and auctioneer for BAC Home Loans Servicing LP, and Timothy Smith and Alexandra Smith 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, as such attorney-in-fact and auctioneer, executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 6th day of August, 2010.



NOTARY PUBLIC
My Commission Expires: **MY COMMISSION EXPIRES 07-27-2011**

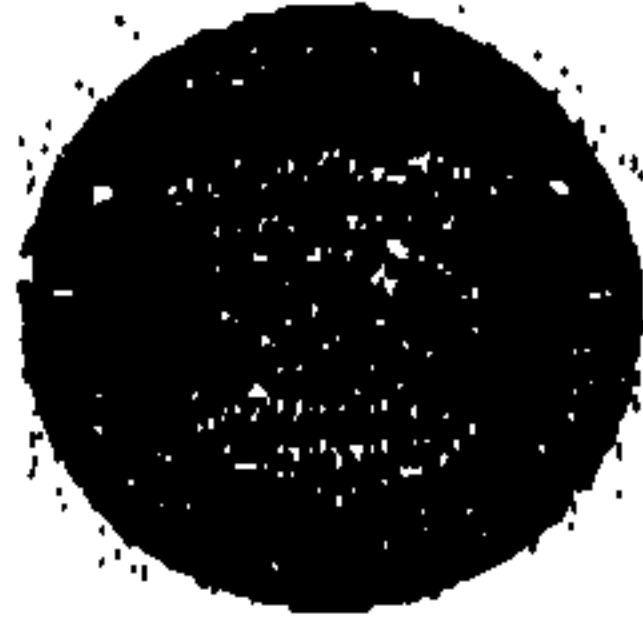
Grantee's address:

5401 North Beach Street
Mail Stop: FWTX-35
Fort Worth, TX 76137

This instrument prepared by:

Beth McFadden Rouse
McFADDEN, LYON & ROUSE, L.L.C.
718 Downtowner Boulevard
Mobile, Alabama 36609


20100830000277950 2/5 \$27.00
Shelby Cnty Judge of Probate, AL
08/30/2010 09:52:47 AM FILED/CERT



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, DC 20224

SMALL BUSINESS / SELF-EMPLOYED DIVISION

Date: May 6, 2010

Area Number: 8

McFADDEN, LYON & ROUSE, L.L.C.
Attorneys And Counselors At Law
718 Downtowner Boulevard
Mobile, Alabama 36609-5499

Dear Sir:

This is to acknowledge receipt of your correspondence dated **April 6, 2010** regarding **Timothy and Alexandra Smith (xxx-xx-4089)**. Your notice is considered adequate for a non-judicial sale under the provisions of Section 7425 of the Internal Revenue Code of 1986.

After thorough search of our records, it has been determined that we have no lien of record on the parties named above and in your Notice of Foreclosure Sale.

If you have any questions, please contact E. Bender, badge number 72-01021, at telephone number 504-558-3352, fax at 504-558-3490, or write to 1555 Poydras St., Ste.220, Stop 65, and New Orleans, LA 70112-3747. Thank you for your cooperation.

Sincerely,

Charles Waldrop
Advisory Group Manager

Enclosure



20100830000277950 3/5 \$27.00
Shelby Cnty Judge of Probate, AL
08/30/2010 09:52:47 AM FILED/CERT

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

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

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

April 6, 2010

Internal Revenue Service
SBSE-Technical Services
Gulf States - Advisory

APR 16 2010

Technical Territory Area 5 Coll
New Orleans, LA

Internal Revenue Service
Attn: Wallace Schneidau
1555 Poydras St., Suite. 220
MAIL STOP 65
New Orleans, LA 70112-3747

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: BAC Home Loans Servicing LP v. Timothy Smith and Alexandra Smith
Notice to advise of Postponement of Foreclosure Sale
Sale postponed from 4/6/10 to 5/7/10.

Gentlemen:

Notice is given pursuant to Section 7425(c)(1) of the Internal Revenue Code of the intended foreclosure of a mortgage executed by Timothy Smith and Alexandra Smith, Husband and wife to Mortgage Electronic Registration Systems, Inc. (MERS) acting solely as nominee for The Hurricane Mortgage Company, Inc. dated July 26, 2007 and recorded in Instrument No. 20070810000376760 of the records in the Office of the Judge of Probate, Shelby County, Alabama; which said mortgage having been subsequently assigned to BAC Home Loans Servicing LP.

Our title search reveals a federal tax lien styled as follows: IRS v. Timothy D. Smith in the sum of \$12,099.43 dated November 23, 2005 and recorded in Instrument No. 20051208000636400 of the Shelby County Probate Court records. A copy of said tax lien is enclosed.

Said mortgage covers a lot and residence within the City of Helena, and County of Shelby, Alabama, property address: 1089 MacQueen Circle, Helena, AL 35080, and more particularly described as follows:



20100830000277950 4/5 \$27.00
Shelby Cnty Judge of Probate, AL
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Lot 9, according to the survey of Brandywine, Second Sector, as recorded in Map Book 7, page 6 in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

The approximate amount of the principal obligation is \$189,563.20. 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 \$800.00 and the title report expense of \$250.00, all of which will be chargeable against the sales proceeds. The payments due on the mortgage are delinquent from February 1, 2009.

Our foreclosure sale is set during the legal hours of sale on March 2, 2010, and further postponed to April 6, 2010 and further postponed to May 7, 2010 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, L.L.C.

Beth McFadden Rouse
BMR/rap

Enclosures

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

Signature: *Charles Waldrop*

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



20100830000277950 5/5 \$27.00
Shelby Cnty Judge of Probate, AL
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