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Shelby Cnty Judge of Probate, AL
09/08/2010 12:06:27 PM FILED/CERT

CM #: 103556

**LOST ASSIGNMENT OF MORTGAGE AFFIDAVIT AND
INDEMNIFICATION AGREEMENT**

STATE OF ALABAMA)
COUNTY OF SHELBY)

MORTGAGOR NAME: **HAROLD L. BELYEU SR. AND SHARON W.
BELYEU, HUSBAND AND WIFE**

ORIGINAL MORTGAGEE: **MERRILL LYNCH CREDIT CORPORATION**

DATED: **29TH DAY OF MAY 1998**

RECORDED: **INSTRUMENT NO. 1998-20484 MODIFIED BY
LOAN MODIFICATION AGREEMENT IN
INSTRUMENT NO. 20090319000102300**

THIS LOST ASSIGNMENT OF MORTGAGE AFFIDAVIT AND INDEMNIFICATION AGREEMENT (this Agreement) is made by WELL FARGO BANK, N.A. AS TRUSTEE FOR SEQUOIA MORTGAGE TRUST 4 MORTGAGE LOAN ASSET BACKED PASS-THROUGH CERTIFICATES to and for the benefit of FIRST AMERICAN TITLE INSURANCE COMPANY and its partners, directors, officers, agents, and employees referred to herein collectively as First American .

WITNESSETH

WHEREAS, Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates is the owner and holds all of the right, title and interest in, to and under that certain Promissory Note executed by Harold L. Belyeu Sr. and Sharon W. Belyeu, husband and wife in favor of Merrill Lynch Credit Corporation and dated the 29th day of May 1998 (hereafter the Note);

WHEREAS, an Assignment of Mortgage is used to memorialize the transfer of interest to Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates, or to a predecessor in interest of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates, and is customarily caused to be recorded in the office of the Judge of Probate of the county where the subject property is located;

WHEREAS, in this instance, the Assignment of the beneficial interest of the Mortgage (hereafter the Assignment), as herein defined, to Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates, or to a predecessor in interest of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates was not recorded in the office of the Judge of Probate of the county where the subject property is located;

WHEREAS, Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates does not have possession of the Assignment, nor does Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates have knowledge regarding the whereabouts of the Assignment, and furthermore Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates has used due diligence and its best efforts to locate this Assignment.

NOW THEREFORE, Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates represents, warrants and covenants as follows:

1. **Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates represents:**



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- (a.) That _____, executing this Agreement on behalf of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates, is the _____ of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates and has the power and authority to enter into this Agreement and to execute same on behalf of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates;
 - (b.) That as of the date hereof, Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates is the sole owner of the Note, which is secured by that certain Mortgage recorded in Instrument No. 1998-20484 modified by loan modification agreement in Instrument No. 20090319000102300 in the Office of the Judge of Probate of Shelby County (hereafter the Mortgage);
 - (c.) That it is the understanding of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates that the Assignment was duly executed and delivered by Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates s predecessor in interest but has been lost or misplaced, and Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates has been unable to locate the Assignment despite diligent efforts to do so;
 - (d.) That if the Assignment is located at any time hereafter Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates shall immediately forward the Assignment to First American;
 - (e.) That Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates warrants it has not assigned, pledged, sold, endorsed, or in any way transferred or hypothecated the Note or any interest therein.
2. **Indemnity.** Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates shall indemnify, defend and hold harmless First American from and against any and all liability, claims, demands, losses, damages or expenses, including but not limited to, reasonable attorney s fees and costs, suffered by, incurred by or asserted against First American, or any of them, by reason of any claim by anyone that the representations and warranties set forth in Paragraph 1 hereof are false or inaccurate in any respect, or by reason of any claim that the Mortgage is unenforceable, insufficient, or impaired.
3. **First American s Attorneys.** In the event of any litigation brought against First American which is covered by Paragraph 2 above, Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates agrees that First American shall have the right, in its sole discretion, to select and retain any attorneys to advise or defend them against said litigation, and Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates shall pay the reasonable attorney s fees and cost, as provided in Paragraph 2 above.
4. **Joint and Several Liability** The obligations of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates hereunder shall be joint and several.
5. **Attorney s Fees.** In the event of any litigation between Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates and First American arising out of the parties respective rights and/or obligations under the Agreement, or concerning the meaning or interpretation of any provision contained herein, the losing party

shall pay the prevailing party's cost and expenses of such litigation, including, without limitation, reasonable attorney's fees and cost.

6. **Construction.** This Agreement, or any instrument to be drafted in the future, shall be construed without regard to any presumption or rule requiring construction against the party drafting said Agreement.
7. **Successors and Assigns.** This Agreement shall be binding on Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates, their respective heirs, executors, administrators, successors and assigns, and shall inure to the benefit of First American and its respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates has executed this Agreement on this 19 day of August, 2010.

Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates

By: [Signature]

Its Authorized Agent

ACKNOWLEDGEMENT

STATE OF New Jersey)

COUNTY OF Burlington)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Marc J. Hinkle, whose name as Authorized Agent of Well Fargo Bank, N.A. as Trustee for Sequoia Mortgage Trust 4 Mortgage Loan Asset Backed Pass-Through Certificates, is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he/she, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 19 day of August, 2010.

[Signature]
NOTARY PUBLIC

My commission Expires SHERRELL FEAGINS
Notary Public - State of New Jersey
Commission # 2385572
My Comm. Expires May 8, 2014

This instrument prepared by:

Cynthia W. Williams
Sirote & Permutt, P.C.
P.O. Box 55727
Birmingham, AL 35255