

## AUCTIONEER'S DEED

STATE OF ALABAMA  
COUNTY OF SHELBY

WHEREAS, CINDY M. SMITH and MICHAEL Z. SMITH, wife and husband executed a mortgage to Mortgage Electronic Registration Systems, Inc. (MERS) acting solely as nominee for Lender, Full Spectrum Lending, Inc., and Lender's Successors and assigns on the 26th day of July, 2004 on that certain real property hereinafter described, which mortgage is recorded in Instrument No. 20040818000463550, of the records in the Office of the Judge of Probate, Shelby County, Alabama; which said mortgage was subsequently assigned to The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWALT, Inc. Asset-Backed Certificates, Series 2004-24CB by instrument recorded in Instrument No. 20100823000269570 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 August 25th, September 1st and September 8th, 2010;; fixing the time of the sale of said property to be during the legal hours of sale on the 13th day of September, 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 13th day of September, 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 **BARRY A. WEIR** was the highest and best bidder and did become the purchaser of the real property hereinafter described for the sum of **\$66,606.17** 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 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWALT, Inc., Asset-Backed Certificates, Series 2004-24CB, by and through Marcus Clark as such auctioneer, and as its attorney-in-fact, and Cindy M. Smith and Michael Z. 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 **BARRY A. WEIR**, his successors and assigns, the following described real property situated in the County of Shelby, State of Alabama, to-wit:

Commence at a #4 rebar found in place at the Southwest corner of the Southwest 1/4 of Northwest 1/4, Section 5, Township 21 South, Range 1 East; thence run Northerly along the West boundary line of said Southwest 1/4 of Northwest 1/4 a distance of 302.30 feet to an iron pin found in place; thence turn an angle of 89 degrees 20 minutes to the right and run Easterly a distance of 1320 feet to an iron pin found in place; thence turn an angle of 89 degrees 20 minutes to the left and run Northerly along the centerline of a 20 foot wide right-of-way a distance of 89.70 feet to the Point of Beginning; thence continue along the same line of direction and along said centerline a distance of 400.00 feet to an iron pin found in place; thence turn an angle of 90 degrees 40 minutes to the left and run Westerly a distance of 445.63 feet to a point; thence turn an angle of 89 degrees 20 minutes to the left and run Southerly a distance of 400.00 feet to a point; thence turn an angle of 90 degrees 40



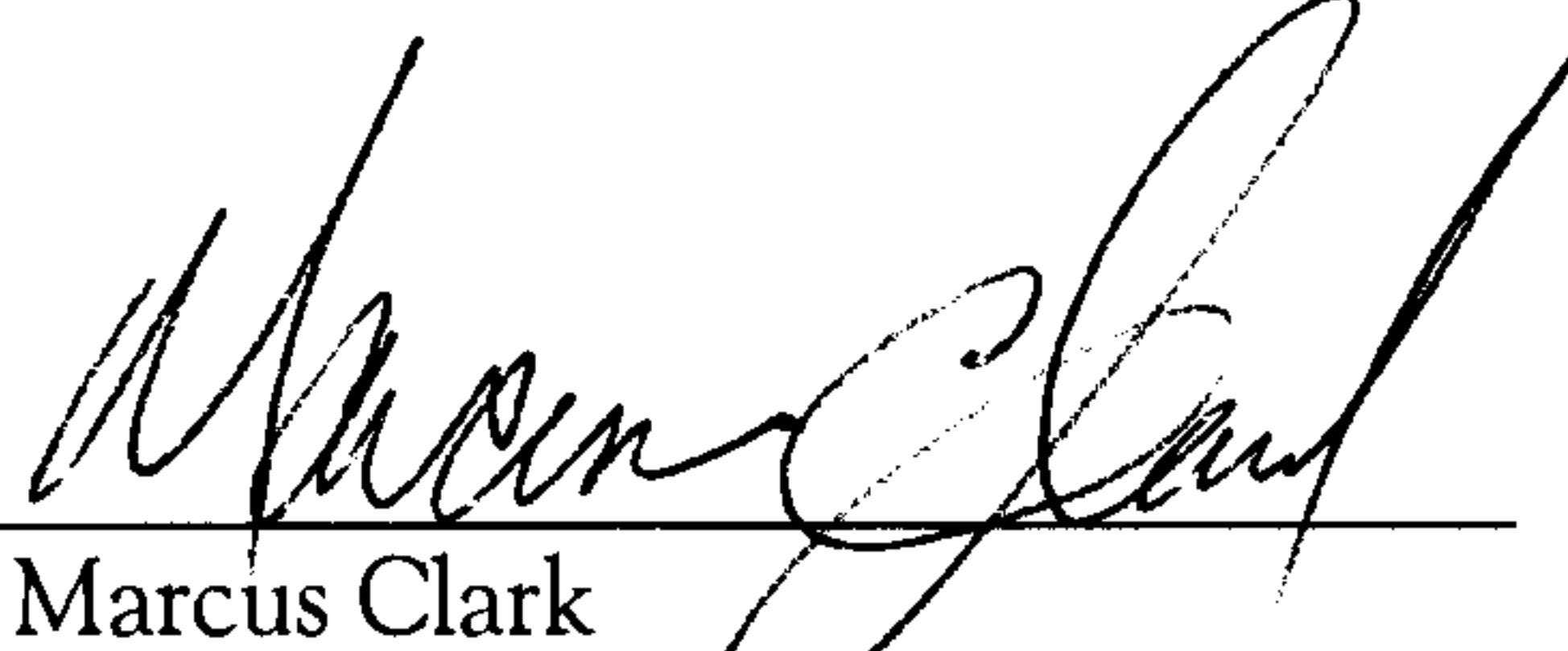
20101020000350290 2/2 \$87.00  
Shelby Cnty Judge of Probate, AL  
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minutes to the left and run Easterly a distance of 445.63 feet to the Point of Beginning; said Parcel of Land is lying in the Southeast 1/4 of Northwest 1/4, Section 5, Township 21 South, Range 1 East, excluding a 10 foot right-of-way as recorded in Deed Book 299, Page 492.

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 **BARRY A. WEIR**, the purchaser at said sale, his 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 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWALT, Inc., Asset-Backed Certificates, Series 2004-24CB, and Cindy M. Smith and Michael Z. Smith, have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on this the 13th day of September, 2010.

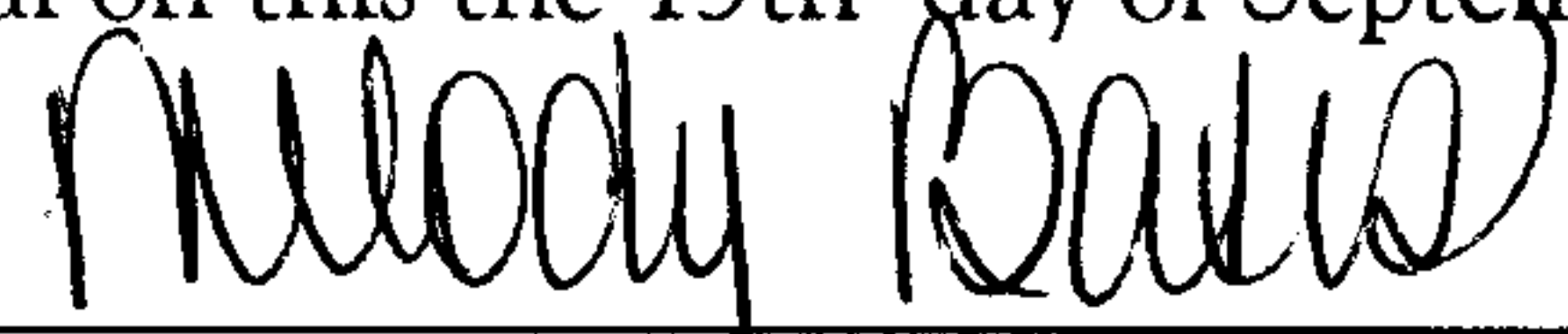
The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWALT, Inc., Asset-Backed Certificates, Series 2004-24CB and Cindy M. Smith and Michael Z. Smith

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 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWALT, Inc., Asset-Backed Certificates, Series 2004-24CB, and Cindy M. Smith and Michael Z. 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 13th day of September, 2010.

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

Grantee's address:  
501 Canyon Clark Drive  
Pelham, Alabama 35124

This instrument prepared by:  
Beth McFadden Rouse  
McFADDEN, LYON & ROUSE, L.L.C.  
718 Downtowner Boulevard  
Mobile, Alabama 36609