

STATE OF ALABAMA

COUNTY OF SHELBY

**(EXHIBIT "A" AND "B" ATTACHED)
MORTGAGE FORECLOSURE DEED**

WHEREAS, on the July 30, 2004, **Efrain H. Jimenez and Maria D. Jimenez, Mortgagor(s), and Party of the First Part**, executed a certain mortgage to Mortgage Electronic Registration Systems, Inc. as Nominee for AFS Financial, Inc. Incorporated, which said mortgage is recorded in Instrument No. 20040806000442530, in the Office of the Judge of Probate of Shelby County, Alabama. Said Mortgage was transferred and assigned, and the debt thereby secured to **Bayview Loan Servicing, LLC, Party of the Second Part**, by assignment recorded in Instrument No. 20100723000234560 of said records in the Office of the Judge of Probate of Shelby, Alabama; and

WHEREAS, default was made in the payment of the indebtedness so secured by the aforesaid mortgage, and the said Bayview Loan Servicing, LLC as transferee, did declare all of the indebtedness secured by the said mortgage, due and payable, and said mortgage subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage in accordance with the terms thereof, by U.S. Mail and by publication in the Shelby County Reporter, a newspaper of general interest and circulation published in Shelby County, Alabama in its issues of 10/20/10, 11/27/10, 11/3/10 and 11/10/10; and

WHEREAS, on November 16, 2010 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 the person conducting the sale on behalf of the mortgage did offer for sale on behalf of the mortgagee and sell at public outcry, in front of the main entrance of the Courthouse, Shelby County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the aforementioned mortgage was the bid of **Bayview Loan Servicing, LLC**, as transferee, in the amount of **ONE HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED AND 00/100 Dollars (\$139,400.00)** which sum was offered to be credited on the indebtedness secured by said mortgage, and said property was thereupon sold to the said Bayview Loan Servicing, LLC; and

WHEREAS, Dennis O. Williamson, Esq. conducted said sale and acted as auctioneer thereat, under and pursuant to an appointment as such by the Party of the Second Part; and

WHEREAS, said mortgage expressly authorizes the person conducting the said sale to execute to the purchaser at said sale a deed to the property so purchased;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT:

For and in consideration of the premises and the credit of **ONE HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED AND 00/100 Dollars (\$139,400.00)** on the indebtedness secured by said mortgage, the parties of the First Part and the Parties of the Second Part, both acting by and through the undersigned as their duly constituted and appointed attorney-in-fact and auctioneer at said sale, do hereby grant, bargain, sell and convey unto **Bayview Loan Servicing, LLC**, and its successors and assigns, the following described real property, situated in Shelby County, Alabama, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD, the above described property unto the said Bayview Loan Servicing, LLC, its successors and assigns forever; subject, however to the statutory right of redemption on the part of those entitled to redeem as proved by the laws of the State of Alabama; also subject to ad valorem taxes, easements and/or restrictions of record, prior liens and/or assessments of record.

IN WITNESS WHEREOF, the said **Efrain H. Jimenez and Maria D. Jimenez, Mortgagors, and Party of the First Part, and Bayview Loan Servicing, LLC, as Party of the Second Part**, have set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the 7th day of December, 2010.

Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company

By: [Signature]
Dennis O. Williamson,
Auctioneer, Agent, and Attorney-in-Fact

Efrain H. Jimenez and Maria D. Jimenez,
Mortgagor(s)

By: [Signature]
Dennis O. Williamson, Attorney-in-Fact

STATE OF ALABAMA)
COUNTY OF Tuscaloosa)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Dennis O. Williamson**, whose name as attorney-in-fact, auctioneer, and agent conducting the mortgage foreclosure sale for **Efrain H. Jimenez and Maria D. Jimenez and Bayview Loan Servicing, LLC**, 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/she, in his/her capacity as such attorney-in-fact, auctioneer, and agent, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 7th day of December, 2010.

[Signature]
NOTARY PUBLIC
My Commission Expires: 4/4/2012

THIS INSTRUMENT PREPARED BY:
Dennis O. Williamson
The Callins Law Firm, LLC
101 Marietta Street, Suite 1030
Atlanta, GA 30303
(404) 681-5826

EXHIBIT "A"

BEING A PARCEL OF LAND SITUATE IN THE NW 1/4 OF THE NE 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 3 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF THE NE 1/4 OF THE NW OF SECTION 22 AND GO SOUTH 85 DEGREES 55 MIN TUES AND 04 SECONDS EAST ALONG THE NORTH BOUNDARY OF SAID SECTION FOR 1426.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG PREVIOUS COURSE FOR 848.10 FEET, THENCE SOUTH 00 DEGREES 28 MIN TUES 47 SECONDS WEST FOR 11.76 FEET TO A POINT ON A CURVE ON THE NORTH BOUNDARY OF HIGHWAY 12, SAID CURVE HAVING A CENTRAL ANGLE OF 31 DEGREES 55 MIN TUES 54 SECONDS AND A RADIUS OF 968.42 FEET, THENCE ALONG SAID CURVE AND SAID NORTH BOUNDARY OF HIGHWAY NO. 12 FOR 539.71 FEET TO THE POINT OF TANGENT; THENCE SOUTH 41 DEGREES 57 MIN TUES 31 SECONDS WEST ALONG SAID NORTH BOUNDARY FOR 52.06 FEET; THENCE NORTH 48 DEGREES 45 MIN TUES 30 SECONDS WEST FOR 507.62 FEET TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA . MINERAL AND MINING RIGHTS EXCEPTED.

Loan No.: 396573

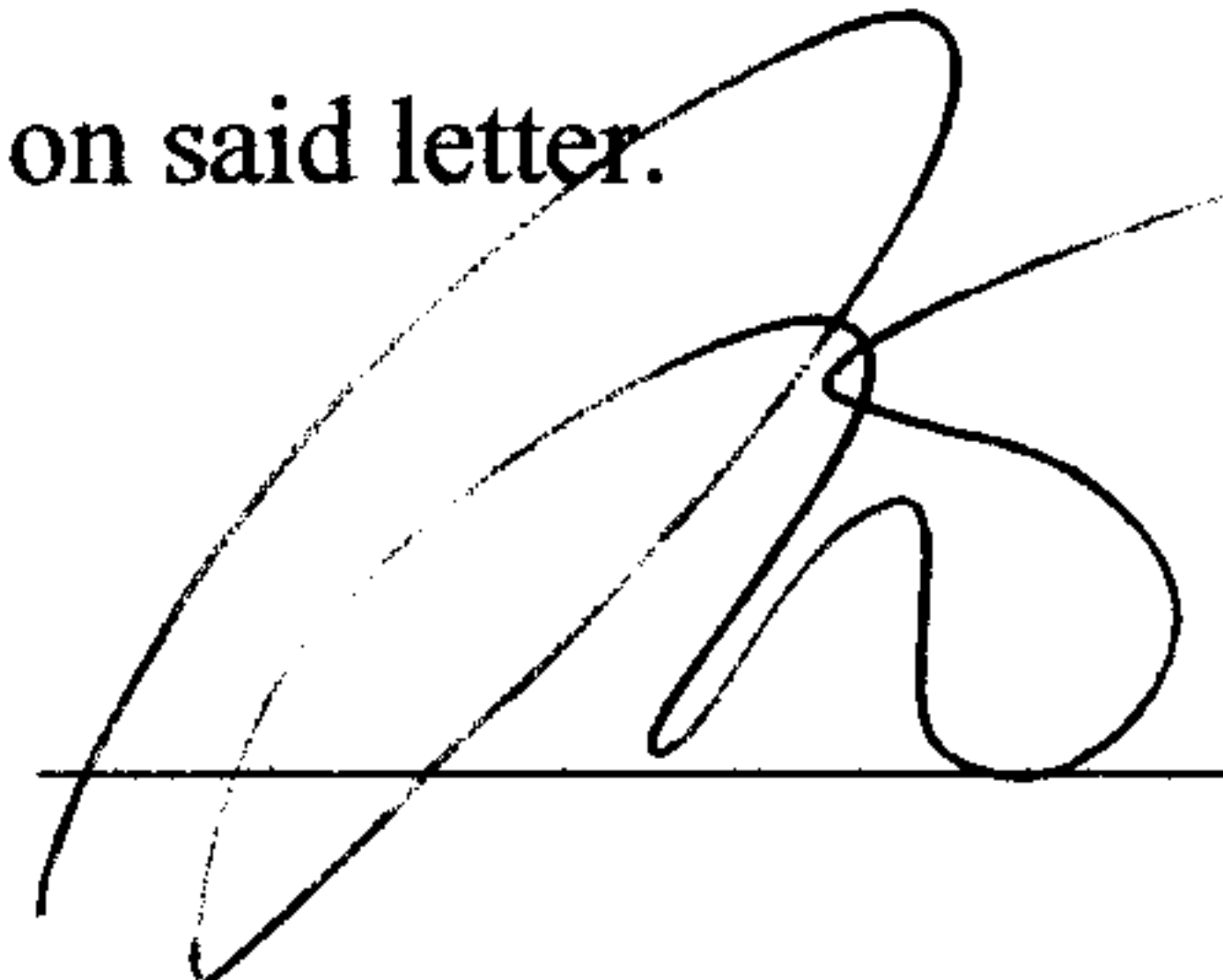
**ATTACHMENT TO FORECLOSURE DEED
AFFIDAVIT CONCERNING FORECLOSURE NOTICE**

Exhibit "B"

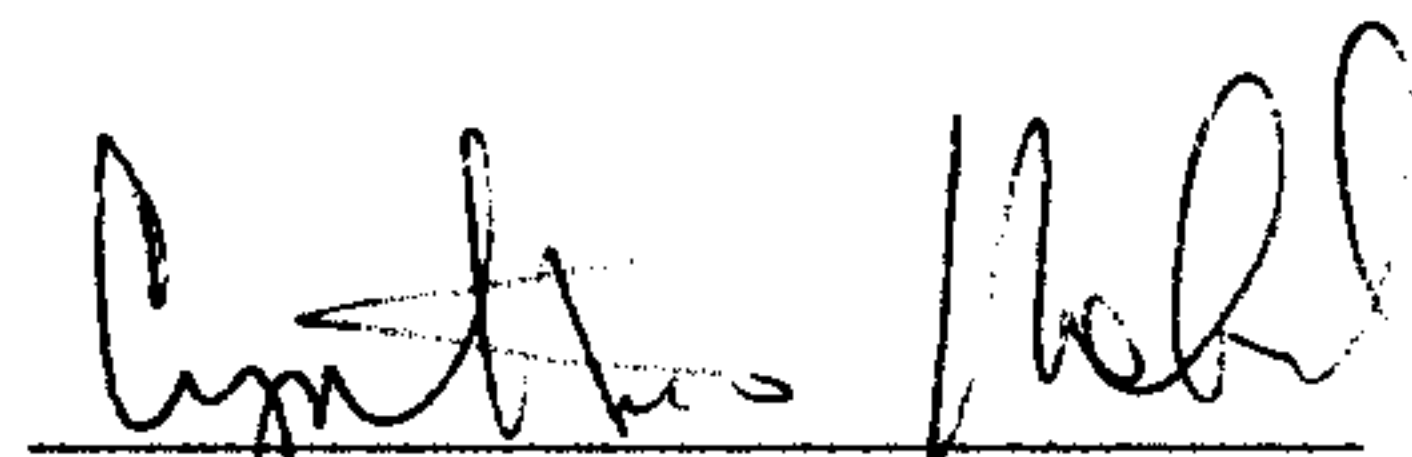
STATE OF Alabama

COUNTY OF Tuscaloosa

BEFORE ME, THE UNDERSIGNED attesting authority in and for said state and county, came the undersigned Deponent, who being duly sworn, deposes and says on oath that this Affidavit relates to the foreclosure of the property referred to in the letter attached hereto marked as Exhibit B. Deponent further states on oath that the letter attached hereto designated at Exhibit B was sent to the Chief, Special Procedure Section, District Director of the Internal Revenue Service, and that the receipt of said notification letter was acknowledged by same as indicated on said letter.

 (SEAL)

Sworn to and subscribed
Before me this 7th day
of December, 2010.



Notary Public

My commission expires: 4/4/2012

[NOTARY SEAL]

THE CALLINS LAW FIRM, LLC

ATTORNEYS AT LAW
101 MARIETTA STREET, SUITE 1030
ATLANTA, GEORGIA 30303
TELEPHONE 404-681-5826
FAXSMILE 866-299-4338

20101214000419970 5/8 \$35.00
Shelby Cnty Judge of Probate, AL
12/14/2010 02:26:50 PM FILED/CERT

October 13, 2010

Copy

VIA OVERNIGHT DELIVERY

Internal Revenue Service
1555 Poydras St., Sue 220, Stop 65
New Orleans, LA 70112

Internal Revenue Service
SBSE-Technical Services
Gulf States - Advisory
OCT 14 2010
Technical Territory Area 5 Coll
New Orleans, LA

RE: **File No.:** **FA10.03.058**
 Lender's Loan No.: **363629**
 Name Per Client: **Efrain H. Jimenez and Marie Jimenez**
 Social Security Number **623-45-6789**
 Property Address: **1492 Butler Rd.**
 Alabaster, AL 35007

Dear Sir or Ma'am:

I am writing to advise you that Bayview Loan Servicing, LLC has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on November 16, 2010. Enclosed is a copy of the Notice of Foreclosure, which is being published in the Shelby County Reporter in the Shelby County legal newspaper. The recording information for the Security Deed and subsequent assignments, as well as the terms of sale and additional information, can be found in this notice.

The title search of the Shelby County records indicates that a federal tax lien(s) has/have been filed against certain parties thought to be the owners of the subject property. As required, we have attached a copy of the specific federal tax lien(s) found. We are not certain that the parties named in the federal tax lien are the same as the above-referenced borrower(s), or other predecessors in title.


Efrain Jimenez 623-45-6789

The unpaid principal balance of the loan against the above-referenced property is approximately \$180,011.46. Interest through the sale date is approximately \$13,005.00. Costs associated with the sale should be approximately \$819.64 and the attorney fees will range from \$550.00 to the maximum allowable by Alabama law.


If you should have any questions about this matter, please do not hesitate to contact this office.

Sincerely,


The Callins Law Firm, LLC


Felecia Brooks

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

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

Form 668 (Y)(c) (Rev. February 2004)	4804	Department of the Treasury - Internal Revenue Service Notice of Federal Tax Lien
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Area: SMALL BUSINESS/SELF EMPLOYED AREA #5 Lien Unit Phone: (800) 913-6050	Serial Number <div style="text-align:right">676457110</div>	For Optional Use by Recording Office  20100716000226860 1/1 \$29.00 Shelby Cnty Judge of Probate, AL 07/16/2010 10:48:06 AM FILED/CERT
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As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer EFRAIN JIMENEZ

Residence 1495 BUTLER ROAD
ALABASTER, AL 35007

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	XXX-XX-6789	07/24/2006	08/23/2016	
1040	12/31/2005	XXX-XX-6789	08/03/2009	09/02/2019	130668.86
1040	12/31/2006	XXX-XX-6789	06/11/2007	07/11/2017	
1040	12/31/2006	XXX-XX-6789	08/03/2009	09/02/2019	440479.78

Place of Filing Judge of Probate Shelby County Columbiana, AL 35051	Total	\$ 571148.64
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This notice was prepared and signed at NASHVILLE, TN, on this,

the 09th day of July, 2010.

Signature <i>R. A. Mitchell</i> for CRAIG SANDERSON	Title REVENUE OFFICER (205) 912-5162 <div style="text-align:right">25-02-3410</div>
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(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

NOTICE OF FORECLOSURE


20101214000419970 7/8 \$35.00
Shelby Cnty Judge of Probate, AL
12/14/2010 02:26:50 PM FILED/CERT

ALABAMA, SHELBY COUNTY

Default having been made in the payment of the indebtedness secured by that certain mortgage executed by Efrain H. Jimenez & Maria D. Jimenez, husband and wife, to Mortgage Electronic Registration Systems, Inc. as nominee for AFS Financial, Inc., on the 30th day of July 2004, said mortgage recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 20040806000442530; Shelby County, Alabama Records, said Security Deed having been given to secure a Note of even date in the original principal amount of ONE HUNDRED EIGHTY-SEVEN THOUSAND EIGHT HUNDRED FIFTY AND 00/100 DOLLARS (\$187,850.00) with interest thereon as provided for therein, said mortgage having subsequently been transferred and assigned to Bayview Loan Servicing, LLC, as Mortgagee/Transferee, under and by virtue of the power of sale contained in said mortgage, will sell at public outcry to the highest bidder for cash, in front of the main entrance of the Courthouse at Columbiana, Shelby County, Alabama, November 16, 2010, during the legal hours of sale, all of its right, title, and interest in and to the following described real estate, situated in Shelby County, Alabama, to-wit:

BEING A PARCEL OF LAND SITUATE IN THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 3 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF THE NE $\frac{1}{4}$ OF THE NW OF SECTION 22 AND GO SOUTH 85 DEGREES 55 MIN TUES AND 04 SECONDS EAST ALONG THE NORTH BOUNDARY OF SAID SECTION FOR 1426.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG PREVIOUS COURSE FOR 848.1 FEET, THENCE SOUTH 00 DEGREES 28 MIN TUES 47 SECONDS WEST FOR 11.76 FEET TO A POINT ON A CURVE ON THE NORTH BOUNDARY OF HIGHWAY 12, SAID CURVE HAVING A CENTRAL ANGLE OF 31 DEGREES 55 MIN TUES 54 SECONDS AND A RADIUS OF 968.42 FEET, THENCE ALONG SAID CURVE AND SAID NORTH BOUNDARY OF HIGHWAY NO. 12 FOR 539.71 FEET TO THE POINT OF TANGENT; THENCE SOUTH 41 DEGREES 57 MIN TUES 31 SECONDS WEST ALONG SAID NORTH BOUNDARY FOR 52.06 FEET; THENCE NORTH 48 DEGREES 45 MIN TUES 30 SECONDS WEST FOR 507.62 FEET TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA. MINERAL AND MINING RIGHTS EXCEPTED.

The indebtedness secured by said Mortgage has been and is hereby declared due because of default under the terms of said Mortgage, including but not limited to the nonpayment of the indebtedness as and when due. The indebtedness remaining in default, this sale will be made for the purpose of paying the same, all expenses of the sale, including attorney's fees and all other payments provided for under the terms of the Mortgage.

Said property will be sold subject to the following items which may affect the title to said property: all zoning ordinances; matters which would be disclosed by an accurate survey or by an inspection of the property; any outstanding taxes, including but not limited to ad valorem taxes, which constitute liens upon said property; special assessments; all outstanding bills for public utilities which constitute liens upon said property; all restrictive covenants, easements, rights-of-way and any other matters of record superior to said Mortgage. This property will be sold without warranty or recourse, expressed or implied as to title, use and/or enjoyment and will be sold subject to the right of redemption of all parties entitled thereto. To the best knowledge and belief of the undersigned, the party in possession of the property is Efrain H. Jimenez & Maria D. Jimenez,

husband and wife or a tenant or tenants, and said property is more commonly known as **1495 Butler Road, Alabaster, Alabama 35007**.

The Mortgagee/Transferee reserves the right to bid for and purchase the real estate and to credit its purchase price against the expenses of sale and the indebtedness secured by the real estate.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Security Deed.

Bayview Loan Servicing, LLC, Mortgagee/Transferee
as Attorney in Fact for
Efrain H. Jimenez & Maria D. Jimenez, husband and wife,

Contact: Dionna Squires

THE CALLINS LAW FIRM, LLC

101 Marietta Street, Suite 1030


Atlanta, GA 30303

(404) 681-5826

File No. FA10.03.058

Ad Run Dates: 10/27/10, 11/03/10 and 11/10

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.


20101214000419970 8/8 \$35.00
Shelby Cnty Judge of Probate, AL
12/14/2010 02:26:50 PM FILED/CERT