

STATE OF ALABAMA :  
COUNTY OF SHELBY :

**AUCTIONEER'S DEED**

WHEREAS, JAMES M. BARNETT AND MICHELE L. BARNETT, husband and wife, executed a mortgage to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), acting solely as nominee for Lender, Freeland, Flinders, & Associates, LLC, and Lender's successors and assigns, dated June 22, 2005, and recorded in Instrument No. 20050701000329060 of the records in the Office of the Judge of Probate, Shelby County, Alabama, which said mortgage was subsequently assigned to NEW YORK COMMUNITY BANK, by instrument recorded in Instrument No. 20110111000009400 of said Probate Court records.

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 of Shelby County, Alabama, Main Street, Columbiana, Alabama 35051, 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 The Shelby County Reporter, 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 December 22<sup>nd</sup>, 29<sup>th</sup>, and January 5<sup>th</sup>, 2010; fixing the time of the sale of said property to be during the legal hours of sale on the 28<sup>th</sup> day of January, 2011, in front of the Courthouse door, Shelby County, 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 28<sup>th</sup> day of January, 2011, at the front door of the Courthouse in Shelby County, Alabama, in strict conformity with the powers of sale contained in the said mortgage, at



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Shelby Cnty Judge of Probate, AL  
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which sale NEW YORK COMMUNITY BANK was the highest and best bidder and did become the purchaser of the real property hereinafter described for the sum of \$93,538.33 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 NEW YORK COMMUNITY BANK by and through Marcus Clark, as such auctioneer, and as its attorney-in-fact, and JAMES M. BARNETT AND MICHELE L. BARNETT, 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 NEW YORK COMMUNITY BANK, its successors and assigns, the following described real property situated in the County of Shelby, State of Alabama, to-wit:

**LOT 22, ACCORDING TO THE SURVEY OF THE VILLAGE AT  
STONEHAVEN, PHASE 1, AS RECORDED IN MAP BOOK 25, PAGE 119,  
IN THE OFFICE OF THE JUDGE OF PROBATE OF 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 NEW YORK COMMUNITY BANK, the purchaser at said sale, its successors and assigns, forever.

IN WITNESS WHEREOF, the said NEW YORK COMMUNITY BANK, by and through Marcus Clark, as the auctioneer who conducted said sale, and as its attorney-in-fact, and JAMES M. BARNETTE AND MICHELE L. BARNETT by Marcus Clark, as their attorney-in-fact, have hereunto set their hands and seals on this the 28<sup>th</sup> day of January, 2011.

**NEW YORK COMMUNITY BANK**

**And**

**JAMES M. BARNETT**

**And**

**MICHELE L. BARNETT**

**BY:**

  
**MARCUS CLARK,**

**As Attorney-in-Fact and Auctioneer**



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STATE OF ALABAMA  
COUNTY OF Cullman

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 **JAMES M. BARNETTE AND MICHELE L. BARNETT**, and **NEW YORK COMMUNITY BANK**, 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 auctioneer and attorney-in-fact executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 28<sup>th</sup> day of January, 2011.

Melody Bais

NOTARY PUBLIC, State at Large


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

Grantee's Address:

1801 E. 9<sup>th</sup> St.  
Cleveland, OH 44114

This Instrument Was Prepared By:

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MCFADDEN, LYON & ROUSE, L.L.C.  
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