

STATE OF ALABAMA

COUNTY OF SHELBY



20110317000086330 1/2 \$20.00  
Shelby Cnty Judge of Probate, AL  
03/17/2011 11:32:41 AM FILED/CERT

**FORECLOSURE DEED**

KNOW ALL MEN BY THESE PRESENTS, that, whereas, heretofore on, to-wit: the 1st day of March, 2004, JACK E. HARTLEY, unmarried man, executed a mortgage to WILMINGTON FINANCE, A DIVISION OF AIG FEDERAL SAVINGS BANK, its successors and assigns, herein called the Mortgagee, which said mortgage was recorded on March 11, 2004, in Instrument No. 20040311000126920, Probate Records of Shelby County, Alabama, which conveyed the property hereinafter described to secure the indebtedness evidenced by a note, payable in installments, therein described; which said mortgage was subsequently assigned to BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5, by assignment dated February 21, 2011, and recorded in Instrument No. 20110317000086320 Probate Records of Shelby County, Alabama; and

WHEREAS, the said mortgage provides that if said indebtedness or any part thereof should remain unpaid at maturity, then the whole of indebtedness shall at once become due and payable and said mortgage be subject to foreclosure, and further provides that in the event of any such default the Mortgagee or its assigns shall have the authority to sell said property before the Courthouse Door in the City of Columbiana, County of Shelby, State of Alabama, at public outcry for cash after first giving notice by publication once a week for three successive weeks of the time, place and terms of said sale in some newspaper of general circulation published in Shelby County, Alabama, and further provides that in the event of any such sale the person conducting such sale shall have power and authority to execute a deed to the purchaser of said property at such sale, and further provides that the Mortgagee or its assigns may bid and become the purchaser at such sale of the property therein; and

WHEREAS, parts of said indebtedness remained unpaid at the respective maturities thereof, and the whole of said indebtedness thereupon became due and payable, and default was made in payment thereof, and thereafter notice was published in The Shelby County Reporter, a newspaper of general circulation and published in Shelby County, Alabama, on the 5th day of January, 2011, and the 12th day of January, 2011, and the 19th day of January, 2011, that the hereinafter described property would be sold before the front door of the Shelby County Courthouse at Columbiana, Alabama, at public outcry to the highest bidder for cash, within the legal hours of sale on the 1st day of February, 2011, and

WHEREAS, at the time and place stated in said notice the undersigned attorney-in-fact and auctioneer announced that such sale was postponed until the 8th day of March, 2011, and thereafter notice was published in The Shelby County Reporter, on the 23rd day of February, 2011; and

WHEREAS, the said sale was held at the time and place stated in said notice, in strict conformity with the powers of sale contained in the said mortgage, at which sale **BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5**, became the purchaser of the hereinafter described property at and for the sum of **\$309,668.03**, cash, which was the highest, best, and last bid therefore; and

WHEREAS, the undersigned, JAMES J. ODOM, JR., conducted said sale and acted as auctioneer thereat, under and pursuant to an appointment as such by **BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5**;

NOW THEREFORE, IN consideration of the premises JACK E. HARTLEY, unmarried man and **BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5**, 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 the said **BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5** the following described real property situated in Shelby County, Alabama, to-wit:

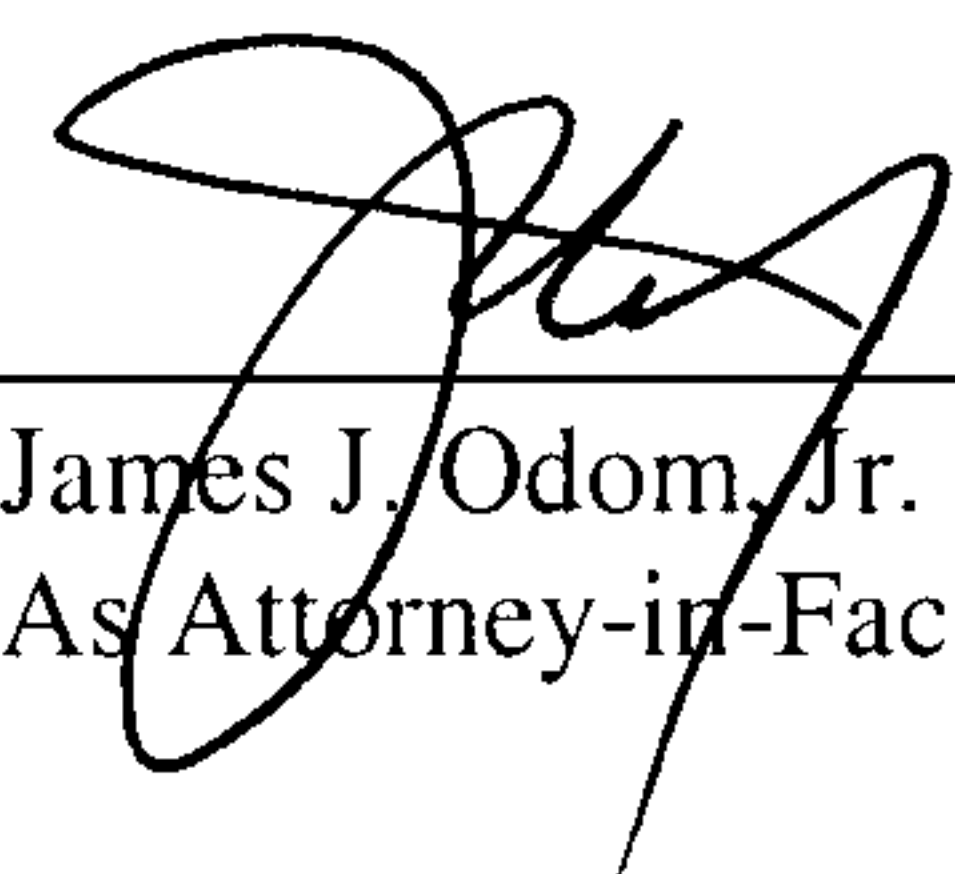
Lot 58, according to the Survey of Meadow Brook, 17th Sector, as recorded in Map Book 9, Page 158 A and B, in the Office of the Judge of Probate of Shelby County, Alabama.



TO HAVE AND TO HOLD unto the **BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5**, its successors and assigns forever, as fully and completely in all respects as the same could or ought to be conveyed to the said **BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5**, under and by virtue of the power and authority contained in the aforesaid mortgage. Subject, however, to the statutory rights of redemption on the part of those entitled to redeem as provided by the laws of the State of Alabama, also subject to prior liens, ad valorem taxes, easements and restrictions of record.

IN WITNESS WHEREOF, the said JACK E. HARTLEY, unmarried man, and BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5, have hereunto set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the day and year first above written.

JACK E. HARTLEY, unmarried man and BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5

BY:   
James J. Odom, Jr.  
As Attorney-in-Fact and Auctioneer

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that JAMES J. ODOM, JR. whose name as attorney-in-fact and auctioneer for JACK E. HARTLEY, unmarried man, and BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC ASSET BACKED CERTIFICATES, SERIES 2004-HE5, 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 the conveyance, he, as such attorney-in-fact and auctioneer, executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of March, 2011.

  
Notary Public  
My Commission Expires: 3/12/2015

THIS INSTRUMENT PREPARED BY:  
ROBERT J. WERMUTH  
STEPHENS, MILLIRONS, HARRISON & GAMMONS, P.C.  
P.O. BOX 307  
HUNTSVILLE, AL 35804  
amd

Grantees Address:  
Bank of America, NA  
c/o EMC Mortgage Corporation  
3415 Vision Drive  
Columbus, OH 43219

  
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