


PREPARED BY: JAMES TARLTON
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STATE OF ALABAMA
COUNTY OF SHELBY


20110822000247520 1/2 \$23.00
Shelby Cnty Judge of Probate, AL
08/22/2011 03:03:24 PM FILED/CERT

MORTGAGE FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, That:

WHEREAS, heretofore on March 1, 2005, **Tung P Le and Nguyen Thao, husband and wife, Party of the First Part**, executed a certain mortgage to **Mortgage Electronic Registration Systems, Inc., acting solely as nominee for America's Wholesale Lender, its successors and assigns, party of the second part** which said mortgage is recorded in Instrument No. 20050316000117080, in the Office of the Judge of Probate of Shelby County, Alabama Which said Mortgage was last sold, assigned and transferred to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS, CWMBS 2005-9 in Instrument No. 20100712000220840; and

WHEREAS, default in the payment of the indebtedness secured by said mortgage, and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9 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 publication in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, in its issues of 6/29, 7/6, 7/13 & 8/3/11; and

WHEREAS, on August 11, 2011, the day on which the foreclosure sale was due to be held under the terms of said notice, during the legal hours of sale, said foreclosure was duly and properly conducted and the person conducting the sale on behalf of the mortgagee did offer for sale and sell a 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 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9 in the amount of **ONE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$198,900.00)**; and said property was thereupon sold to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9; and

WHEREAS, Melvin Cowan 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 authorized the mortgagee or auctioneer or any person conducting said sale to execute to the purchaser at said sale a deed to the property so purchased.

NOW, THEREFORE, in consideration of the premises and ONE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$198,900.00), on the indebtedness secured by said mortgage, the parties of the First Part and the Party 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 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW

YORK,AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9, and its successors and assigns, the following described real property, situated in Shelby County, Alabama, to-wit:

LOT 85, ACCORDING TO THE SURVEY OF CALDWELL CROSSINGS, AS RECORDED IN MAP BOOK 29, PAGE 9, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SITUATED IN SHELBY COUNTY, ALABAMA.

SOURCE OF TITLE: Instrument No. 20020905000425340

TO HAVE AND TO HOLD the above described property unto THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9, its 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; also subject to ad valorem taxes, easements and/or restrictions of record, prior liens and/or assessments of record.

IN WITNESS WHEREOF, Tung P Le and Nguyen Thao, husband and wife and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9 have set their hands and seals by their said attorney-in-fact and auctioneer at said sale on the 11th day of August, 2011.

BY: Melvin Cowan
AS: Auctioneer and Attorney-in-fact

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STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Melvin Cowan, whose name as attorney-in-fact and auctioneer for Tung P Le and Nguyen Thao, husband and wife and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CHL MORTGAGE PASS-THROUGH TRUST 2005-9, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-9, 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, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 11th day of August, 2011.

Melvin Cowan
NOTARY PUBLIC
My Commission Expires: 7/29/15

Grantee Name / Send tax notice to:
ATTN:
BAC Home Loans Servicing, L.P.
400 Countrywide Way, Mail Stop: SV35
Simi Valley, CA 93065