

Reply to:

Cole D. Patton, Esquire  
Licensed to Practice Law in Texas and  
Mississippi  
P.O. Box 809114  
Dallas, Texas 75380-9638

13800 Montfort Drive  
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Date: July 25, 2006

FROM: BUTLER & HOSCH, P.A.  
ATTENTION: Michele R. Riffel  
PHONE: 972-233-2500  
FAX: 972-716-2014

TO: LAND RECORDS OF TEXAS  
ATTENTION: Jason Lightner  
PHONE: 972-580-8575  
FAX: 972-518-2412

|                  |                     |
|------------------|---------------------|
| B&H MATTER       | 229014              |
| DEFENDANT        | Darren L. Underwood |
| SALE DATE & TIME | 7/26/2006 & 11:00AM |
| STARTING BID     | \$82,483.67         |
| CLOSING BID      | \$82,483.67         |
| COUNTY           | Desoto              |
| CIVIL CASE #     |                     |

ONE BID of \$82,483.67

Bid on behalf of: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS  
OF CWMBS 2005-R2

**SALES RESULTS**

**PLEASE PROVIDE Sales Results below for the above referenced Foreclosure sale via email**

**Sale Results are to be reported by 4:00 PM on the day of the sale.**

Third Party Sales need to be confirmed within 24 hours of the Sale

B&H # 229014/9

*Fannie Mae designated in Florida and Louisiana*

[www.butlerandhosch.com](http://www.butlerandhosch.com)

Orlando, FL \* Baton Rouge, LA \* Dallas, TX \* Columbia, SC \* Charlotte, NC \* Albuquerque, NM

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Current Borrower: Darren L. Underwood  
Client Loan Number: 2244160  
B&H File Number: 229014  
VA/FHA/PMI Number: 2830173728703  
Loan Type: FHA  
Property Address: 2897 Waverly, Horn Lake, MS 38680

Indexing Instructions:

**SUBSTITUTE TRUSTEE'S DEED**

Grantor: Cole D. Patton, Substitute Trustee  
Grantee: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB  
2005-R2

WHEREAS, on June 26, 1998, Darren L. Underwood and wife, Christine M. Underwood, executed a deed of trust to Robert B. Robinson, Trustee for the benefit of First Trust Mortgage Company, which deed of trust is recorded in Deed of Trust Book 1012 at Page 137 in the office of the Chancery Clerk of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Countrywide Home Loans, Inc., by instrument dated June 26, 1998, and recorded in Book 1012 at Page 0487 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid deed of trust was assigned to BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2, by instrument dated September 28, 2005, and recorded in Book 2322 at Page 699 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2, the holder of said deed of trust and the note secured thereby, substituted Cole D. Patton or Zachary A. Copp or James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated May 16, 2006, and recorded in the office of the aforesaid Chancery Clerk in Book 2,476 at Page 554; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, Countrywide Home Loans, Inc. as attorney in fact for BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2, having requested the undersigned Substitute Trustee to execute the trust and sell land and property in

accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;

WHEREAS, the undersigned Substitute Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on the, at public outcry offered the hereinafter described property for sale at the East front door of the County Courthouse at Desoto County of Desoto, State of Mississippi;

WHEREAS, the Proof of Publication, Affidavit of Posting and the Memorandum of Sale have been prepared and executed to verify all aforesaid events. Said items are attached as proof thereof;

WHEREAS, at the time and place aforementioned, the undersigned received from the hereinafter named grantee a bid of \$82,483.67 which was the highest bid for cash for said land and property, and said bidder was then and there declared to be the purchaser thereof;

NOW, THEREFORE, in consideration of the aforesaid sum, cash in had paid, the receipt whereof is hereby acknowledged, the undersigned does hereby and convey unto BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2 the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in the County of Desoto, State of Mississippi, to-wit:

LOT 90 SECTION E, KENTWOOD SUBDIVISION, IN SECTION 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGE 49, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI.

Also known as 2897 Waverly, Horn Lake, MS 38680

I hereby convey only such title as is vested in me as Substitute Trustee. WITNESS MY SIGNATURE, this, the 26 day of July, 2006.



Cole D. Patton or Zachary A. Copp  
or James L. DeLoach  
SUBSTITUTE TRUSTEE  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 155  
Dallas, Texas 75240  
Telephone No.:(972) 233-2500

STATE OF TEXAS )  
 )  
COUNTY OF DALLAS ) ACKNOWLEDGMENT

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state of aforesaid, Cole D. Patton, Substitute Trustee, who acknowledged to and before me that he executed the foregoing Substitute Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 26 day of July, 2006.



*Doris K Ligon Anaba*  
Notary Public

My Commission Expires: \_\_\_\_\_

GRANTOR'S NAME, ADDRESS AND PHONE NUMBER:

Cole D. Patton  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 155  
Dallas, Texas 75240  
(972)-233-2500

GRANTEE'S NAME, ADDRESS AND PHONE NUMBER (Send Tax Statements to this address):

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS 2005-R2  
%Countrywide Home Loans, Inc.  
7105 Corporate Drive  
MS PTX-B-35  
Plano, TX 75024  
(972) 526-2224

THIS DOCUMENT PREPARED BY AND AFTER RECORDING PLEASE RETURN TO:

Michele R. Riffel  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 155  
Dallas, Texas 75240  
(972) 233-2500

Current Borrower: DARREN L. UNDERWOOD; CHRISTINE M. UNDERWOOD;  
 Client Loan Number: 2244160  
 B&H File Number: 229014  
 VA/FHA/PMI Number: 2830173728703  
 Loan Type: FHA  
 Property Address: 2897 Waverly, Horn Lake, MS 38680

**Affidavit of Mortgagee**

STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEFORE ME, the undersigned authority on this day personally appeared Michele R. Riffel, who after being duly sworn, deposed as follows:

- "1. I am an employee of Butler & Hosch, P.A., attorney for Countrywide Home Loans, Inc., as servicing agent for BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBBS 2005-R2 at the time of the events hereinafter set forth and make this affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.
2. This affidavit is made with respect to the foreclosure of that certain Deed of Trust dated June 26, 1998, recorded in Volume 1012, Page 137, Real Property Records, Desoto County, Mississippi, executed by Darren L. Underwood and wife, Christine M. Underwood, to Robert B. Robinson, Trustee, to secure payment of a Note to First Trust Mortgage Company.
3. BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBBS 2005-R2 is the holder of the indebtedness secured by the Deed of Trust.
4. To the best of my knowledge and belief, proper notice was sent prior to acceleration of indebtedness. All obligations duties of the holder of the debt were performed in the manner required by law and all notices were served on the Debtor at the Debtor's last known address as shown by the records of the holder of the debt.
5. To the best of my knowledge and belief, the mortgagors holding an interest in the above described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for the last three (3) months prior to the date of the Trustee's Sale and the subject hereof and were alive on the date of such sale.
6. At the instructions and on behalf of the holder of the debt or its agent, notice of acceleration of indebtedness and Trustee's Sale was served on every debtor obligated on the debt, by certified and regular mail at least thirty (30) days prior to the date therein specified for sale at the last known address of each such debtor according to the records of the holder of the debt.
7. At the instructions and on behalf of the holder of the debt or its agent, Notice of Trustee's Sale was filed with the Chancery Clerk in the county or counties in which the subject property is situated and copies thereof posted at said courthouse(s) as required by law and in the manner specified by ordinance or custom."

FURTHER AFFIANT SAYETH NAUGHT.

*Michele R. Riffel*  
 \_\_\_\_\_  
 AFFIANT

STATE OF TEXAS §  
 COUNTY OF DALLAS §

Sworn to and subscribed before me, the undersigned Notary Public, on this day personally appeared Michele R. Riffel, who is the Legal Assistant and duly authorized agent of Butler & Hosch, P.A., on behalf of said law firm, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 26 day of July, 2006

*Doris K. Ligon Anaba*  
 \_\_\_\_\_  
 Notary Public for the State of Texas

Printed Name of Notary Public  
 My Commission Expires: \_\_\_\_\_



Current Borrower: Darren L. Underwood  
Client Loan Number: 2244160  
B&H File Number: 229014  
VA/FHA/PMI Number: 2830173728703  
Loan Type: FHA  
Property Address: 2897 Waverly, Horn Lake, MS 38680

### MEMORANDUM OF SALE

The undersigned Substitute Trustee (hereinafter "Trustee") hereby appoints \_\_\_\_\_  
Cole Murray, to serve as auctioneer for the purpose of conducting the foreclosure sale more particularly described below. This appointment is subject to completion of a satisfactory title examination (including a search for Federal Liens) and the performance of all duties in conformity with Trustee's instructions. All third party bids are subject to confirmation by Trustee prior to sale. Right is reserved by Trustee to reject any bid or to withdraw the property from auction prior to final sale. All sales are subject to review and confirmation by the Trustee, prior to conveyance. The undersigned Trustee reserves the right to reject any bid and to decline to convey the subject property due to mistake (including but not limited to an error in the bid amount), inadequacy of funds, title defects or lack of notice to the IRS, or for any other reasonable cause. If Trustee elects to reject a bid, the funds tendered by the successful bidder will be promptly returned, and the property will be re-advertised for sale at a subsequent date.

Upon confirmation by the Trustee, Trustee will convey only such title as is vested in him. No representations are made concerning title to the subject property or the fitness or merchantability of the same. It is the purchaser's sole responsibility to examine and investigate the title to the property and any related issues, and it shall be the purchaser's responsibility to resolve any issues relating to other liens, taxes or other title problems or issues affecting the subject property. The property will be conveyed without warranty of any kind, it being understood that the property is being sold "as is". The form of conveyance will be that of a Substituted Trustee's Deed, which is in the nature of quitclaim deed.

WITNESS MY SIGNATURE, on this 26 day of July, 2006.



Cole D. Patton, Substitute Trustee  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 155  
Dallas, Texas 75240  
Telephone No.:(972) 233-2500

**RESULTS OF SALE:**

DEED OF TRUST FORECLOSED: BOOK 1012 PAGE 137

DATE & TIME OF SALE: JULY 26, 2006, AT 2:10 A.M./P.M.

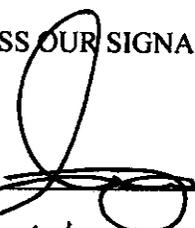
AMOUNT OF HIGHEST BID: \$ 82,493.<sup>57</sup>

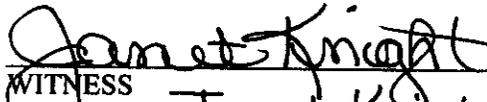
CONVEY TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_

The undersigned acknowledged having read the terms of the auctioneer's appointment and conditions of sale set forth above, and further acknowledge that all bids are subject to approval by the Trustee prior to conveyance, and the sale may be set aside by the Trustee and the funds tendered returned to the bidder, if these conditions are not satisfied.

WITNESS OUR SIGNATURES, on this 26 day of July, 2006.

  
\_\_\_\_\_  
AUCTIONEER  
Printed Name: Cole Massey

  
\_\_\_\_\_  
WITNESS  
Printed Name: Janet Knight

Bank of New York  
\_\_\_\_\_  
HIGHEST BIDDER  
Printed Name: Bank of N.Y.

\_\_\_\_\_  
WITNESS  
Printed Name: \_\_\_\_\_



# PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

**SUBSTITUTE TRUSTEE'S NOTICE OF SALE**  
WHEREAS, on June 26, 1998, Darren L. Underwood and wife, Christine M. Underwood executed a deed of trust to Robert B. Robinson, Trustee for the benefit of First Trust Mortgage Company, which deed of trust is recorded in Deed of Trust Book 1012 at Page 137 in the office of the Chancery Clerk of the County of Desoto, State of Mississippi; and  
WHEREAS, the aforesaid deed of trust was assigned to Countrywide Home Loans, Inc., by instrument dated June 26, 1998, and recorded in Book 1012 at Page 0487 of the records of the aforesaid Chancery Clerk; and  
WHEREAS, the aforesaid deed of trust was assigned to BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2, by instrument dated September 28, 2005, and recorded in Book 2,322 at Page 698 of the records of the aforesaid Chancery Clerk; and  
WHEREAS, the aforesaid Countrywide Home Loans, Inc., as attorney-in-fact for BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2, the holder of said deed of trust and the note secured thereby, substituted Cole D. Patton or Zachary A. Copp or James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated May 16, 2006 and recorded in the office of the aforesaid Chancery Clerk in Book 2,476 at Page 554; and  
WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB 2005-R2, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the same due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;  
NOW, THEREFORE, I, Cole D. Patton or Zachary A. Copp or James L. DeLoach, Substitute Trustee in said deed of trust, will on July 26, 2006, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being

- Volume No. 111 on the 29 day of June, 2005
- Volume No. 111 on the 6 day of July, 2006
- Volume No. 111 on the 13 day of July, 2006
- Volume No. 111 on the 20 day of July, 2006
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2006

Diane Smith

Sworn to and subscribed before me, this 28 day of July, 2006

BY Judy H. Douglas



NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2009  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 523 words @ .12 \$ 62.76  
 B. 3 subsequent insertions of 1569 words @ .10 \$ 156.90  
 C. Making proof of publication and depositing to same \$ 3.00  
 TOTAL PUBLISHER'S FEE: \$ 222.66

between the hours of 11:00 A.M. and 4:00 P.M.) at the east front door of the County Courthouse at Desoto County, State of Mississippi, the following described property situated in the County of Desoto, State of Mississippi, to-wit:  
LOT 90 SECTION E, KENTWOOD SUBDIVISION, IN SECTION 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGE 49, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI

As known as 2897 Waverly Drive, Horn Lake, MS 38980  
I WILL CONVEY only such title as is vested in me as Substitute Trustee.  
WITNESS MY SIGNATURE, this the 27th day of June, 2006.  
Cole D. Patton or Zachary A. Copp or James L. DeLoach  
Substitute Trustee  
Butler & Hoech, P.A.  
13600 Monitor Drive, Suite 155  
Dallas, Texas 75240  
Telephone No.:(972) 233-2500  
PUBLISH: June 29, July 6, July 13, July 20, 2006

6397 • Fax: 662.429.5229