Tennessee

McClellan Smith, Jr.
NBMC #329042-6
Conventional

BOOK 9311 PAGE 855

62-11 4 83.00
05DU 12951

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated September 29, 1989, and recorded in Book 7953, Page 336 in the Register's Office of Davidson County, Tennessee, McClellan Smith, Jr. and wife, Charlene Smith, conveyed to D.J. Atkins and Harold I. Brooks, Trustee(s), the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and, RE-RECORD BOOK 9322 PAGE 65

WHEREAS, the holder of the debt secured appointed the undersigned as Substitute Trustee by instrument of record in Book 9283, Page 148 in the Register's Office of said County; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS, in pursuance of said request by said beneficiary, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of said Deed of Trust by which advertisement the sale was appointed to be held on April 12, 1994, at the main south door of the Courthouse of Davidson County, Tennessee; and,

WHEREAS, at the time and place mentioned in said advertisement the undersigned offered said property for sale at public outcry to the highest and best bidder for cash, at which sale NationsBanc Mortgage Corporation, a corporation whose address is P.O. Box 35140, Louisville, Kentucky 40232-5140 being the highest and best bidder, became the purchaser of said property at and for the sum of Forty-Five Thousand and 00/100 Dollars; and,

WHEREAS, the purchaser, being the holder of the indebtedness, has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by NationsBanc Mortgage Corporation of the sum of money so paid, receipt of which payment is hereby acknowledged, the undersigned, Arnold M. Weiss, as Substitute Trustee, does hereby grant, bargain, sell and convey to the said NationsBanc Mortgage Corporation, its successors and assigns in fee simple forever, the property above mentioned and now further described as being in Antioch, County of Davidson, State of Tennessee, to-wit:

Land in Davidson County, Tennessee, described as follows: To-Wit: A certain condominium apartment in Davidson County, Tennessee, being Unit No. 1, Building 17 on the Plan of Addition to Section One, Phase One, Mill Creek Club Condominium Townhouses, of record in Book 5050, Page 103, Register's Office for said County, to which plan reference is hereby made for a more complete and accurate legal description.

There is conveyed with the above described individual condominium unit an undivided interest in and to the general and/or restricted common areas and facilities of Addition to Section One, Phase One, Mill Creek Club Condominium Townhouses, as said areas are set forth and defined in Master Deed of record in Book 4887, Page 961, and amended in Book 5000, Page 607 and further amended in Book 5101, Page 809, all in the Register's Office for Davidson County, Tennessee, and to which reference is hereby made for more particulars.

McClellan Smith, Jr. and Charlene Smith obtained title to the above referenced real estate by Deed of record in Book 7953, Page 333, Register's Office of Davidson County, Tennessee.

Mail to:

This Instrument Prepared By
ARNOLD M. WEISS
Attorney At Law
208 Adams Ave.
MEMPHIS, TN 38103-1991

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

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BOOK 9311 PAGE 856

Subject to any unpaid taxes.

Proper notice of this sale has been given to the State of Tennessee and this sale is made subject to the redemption rights.

TO HAVE AND TO HOLD the real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto NationsBanc Mortgage Corporation, its successors and assigns in fee simple forever, to whom the said Arnold M. Weiss, Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

The said Substitute Trustee has applied the consideration as follows:

Recording Appointment of Substitute Trustee	8.00
Publication Expense	234.90
Attorney's Fees and Trustees Fees	500.00
Credit on Note	44,257.10
	$45,000.00

Whenever used, the singular number shall include the plural, the plural the singular, the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the said Arnold M. Weiss, Substitute Trustee, has on April 12, 1994 hereunto set his hand and seal.

ARNOLD M. WEISS, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On April 12, 1994 before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared Arnold M. Weiss to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as Substitute Trustee and as his free act and deed.

WITNESS my hand and Notarial Seal at office the day and year above written.

30924 IDENTIFICATION REFERENCE

APR 14 8:2 DAVIDSON COUNTY, TN

NOTARY PUBLIC

My Commission Expires March 28, 1996

My Commission Expires:

State Tax	$
Clerk's Fee	$
TOTAL	$

PROPERTY ADDRESS
1 Mimosa Court,
Antioch, Tennessee 37013

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:

NationsBanc Mortgage Corporation
P.O. Box 35140
Louisville, KY 40232-5140

Mortgagee: None

This instrument prepared by:
Arnold M. Weiss
Attorney at Law
208 Adams Avenue
Memphis, Tennessee 38103

3896 04/14 0101 03CHECK 175.50

STATE OF TENNESSEE
COUNTY OF SHELBY

THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 45,000

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 12th DAY OF April 1994

Notary Public

My Commission Expires March 28, 1996

LAW OFFICES OF
ARNOLD M. WEISS
208 ADAMS AVENUE
MEMPHIS, TENN. 38103-1991

ARNOLD M. WEISS
M. VIRGINIA CRAVEN

TELEPHONE: (901) 526-8296
TELECOPIER: (901) 526-3061

March 24, 1994

RE-RECORD
BOOK 9322 PAGE 67

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Commissioner of Revenue
State of Tennessee
P. O. Box 3287, Uptown Station
Nashville, Tennessee 37219

ATTN: Director, Tax Enforcement

Re: Section 67-6035 Notice of Sale
McClellan Smith, Jr.
1 Mimosa Court
Antioch, TN 37013
NBMC #329042-6
Conventional

7903 04/25 0101 03CHECK 20.00

Gentlemen:

We represent NationsBanc Mortgage Corporation, the holder of a Promissory Note executed by McClellan Smith, Jr. and wife, Charlene Smith, dated September 29, 1989 in the original amount of $47,000.00. The note is secured by a First Deed of Trust of the same date which is of record in Book 7953, Page 336, Register's Office of Davidson County, Tennessee. The note is in default and the principal balance and interest due on the indebtedness have been accelerated in accordance with the terms and conditions of the instruments and the foreclosure sale has been scheduled for Tuesday, April 12, 1994.

It is our understanding that the State of Tennessee Department of Revenue has filed a Notice of State Tax Lien against the property, therefore, in accordance with T.C.A 67-1-1433, we are submitting the following:

1. This notice is submitted by Arnold M. Weiss, attorney, 208 Adams Avenue, Memphis, Tennessee, 38103, on behalf of NationsBanc Mortgage Corporation.

2. A copy of the lien filed by the State of Tennessee of record in Book 6220, Page 391, Register's Office of Davidson County, Tennessee, is attached.

RE-RECORD

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LAW OFFICES OF
ARNOLD M. WEISS
208 ADAMS AVENUE
MEMPHIS, TENN. 38103-1991

ARNOLD M. WEISS
M. VIRGINIA CRAVEN

TELEPHONE: (901) 526-8296
TELECOPIER: (901) 526-3061

3. The street address of the property affected by this notice is 1 Mimosa Court, Antioch, Davidson County, Tennessee, said property being more particularly described as:

> Land in Davidson County, Tennessee, described as follows: To-Wit: A certain condominium apartment in Davidson County, Tennessee, being Unit No. 1, Building 17 on the Plan of Addition to Section One, Phase One, Mill Creek Club Condominium Townhouses, of record in Book 5050, Page 103, Register's Office for said County, to which plan reference is hereby made for a more complete and accurate legal description.
> There is conveyed with the above described individual condominium unit an undivided interest in and to the general and/or restricted common areas and facilities of Addition to Section One, Phase One, Mill Creek Club Condominium Townhouses, as said areas are set forth and defined in Master Deed of record in Book 4887, Page 961, and amended in Book 5000, Page 607 and further amended in Book 5101, Page 809, all in the Register's Office for Davidson County, Tennessee, and to which reference is hereby made for more particulars.

4. The real property herein described will be sold at public auction for cash on Tuesday, April 12, 1994 commencing at 2:30 p.m. at the main south door of the Courthouse, Nashville, Davidson County, Tennessee. A copy of the advertisement of the Substitute Trustee's Sale is also enclosed.

5. The approximate amount of the principal indebtedness is $45,952.31 as of March 24, 1994 with accrued interest at the rate of 11.5% per annum from February 1993, plus the expenses and attorney's fees and trustee's fees incurred in connection with this foreclosure. It is not anticipated that additional costs and expenses in this foreclosure will exceed the sum of $958.00.

Please accept this letter as the twenty-five (25) day notice required by T.C.A. 67-1-1433(b), which notice must be given to the Commissioner of Revenue or his delegate. Please advise immediately if there is any deficiency in this notice.

Yours very truly,

ARNOLD M. WEISS

AMW:ss
Enclosure

STATE OF TENNESSEE
DEPARTMENT OF REVENUE
ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37242

RE-RECORD

April 14, 1994

BOOK 9322 PAGE 69

Mr. Arnold M. Weiss
Attorney at Law
208 Adams Avenue
Memphis, Tennessee 38103-1991

Re: Foreclosure Sale of Property Owned by McClellan Smitty, Jr.

Dear Mr. Weiss:

This is in response to your letter dated March 24, 1994 concerning a foreclosure sale of property owned by McClellan Smith, Jr.

Your letter does not comply with the provisions of T.C.A. 67-1-1401 et. seq., however, the Tennessee Department of Revenue does not have any liens filed against McClellan Smith, Jr. The lien referenced in your notice was released January 22, 1985 in book 6478 on page 591.

I trust that this has answered your letter, but if not, please let me know.

Sincerely,

John S. Peeler, Director
Tax Enforcement Division

Wilbur E. Hooks
Administrative Assistant
Special Procedures Section

42634
IDENTIFICATION REFERENCE
RE-RECORD
94 APR 25 PM 1:39
REGISTER
DAVIDSON COUNTY, TN.
MAIL ENV.

JSP:WEH:mab