This Instrument was prepared by:

Martin C. Giner, Attorney
326 Washington Square
222 2nd Avenue North
Nashville, TN 37201
(615) 259-9222

Mail

BOOK 9555 PG 815

**SUBSTITUTE TRUSTEE'S QUITCLAIM DEED**

| Address of New Owner as Follows | Send Tax Bill To | Map/Parcel Nos. |
|---|---|---|
| The Estate of David R. Wade, III and James I. Caldwell, III<br>4348 Beekman Drive<br>Nashville, TN 37215 | The Estate of David R. Wade, III and James I. Caldwell, III<br>4348 Beekman Drive<br>Nashville, TN 37215 | Map 22<br>Parcel 36 |

**WHEREAS**, on the 2nd day of November, 1985, Charles W. Kell and wife, Patsy L. Kell, conveyed to Wm. G. Wilkerson, Trustee, the property herein described by Installment Deed recorded in the Register's Office for Davidson County, Tennessee on Book 6702, Page 538, for the purposes set forth in said Installment Deed and conveyed to Samuel E. Foster and wife, Brenda Foster, by Deed dated April 18, 1988 of record at Book 7521, Page 6, in said Register's Office.

**WHEREAS**, the Trustee named in the above mentioned Deed has refused or is unable to execute said trust, and James I. Caldwell, III and Barbara K. Wade, Executrix of the Estate of David R. Wade, III, the true and lawful owners of the note secured thereby, have appointed Martin C. Giner as Substitute Trustee in accordance with the terms of said Installment Deed by instrument of record in Book 9507, Page 239; and

**WHEREAS**, default having been made in the terms, conditions, provisions, and payments made and provided for in said instrument and the entire balance of the indebtedness having been declared due and payable as made and provided for in said Installment Deed; and

**WHEREAS**, James I. Caldwell, III and Barbara K. Wade, as Executrix for the Estate of David R. Wade, III as the true and lawful owners of the note secured by said Instrument have advised Martin C. Giner of the default in the terms of the Installment Deed; and

**WHEREAS**, the said Martin C. Giner, Substitute Trustee, did advertise, in accordance with the provisions of said Installment Deed to sell said property at the front door of the Metropolitan Courthouse in Nashville, Davidson County, Tennessee, on the 23rd day of December, 1994, at 12:00 noon Central Standard Time; and

**WHEREAS**, on said date, at the time and place stated in said advertisement, the said Martin C. Giner, Substitute Trustee, offered the property herein described for sale at public outcry and sold said property to James I. Caldwell, III and the Estate of David R. Wade, III for the sum of Ten Thousand Four Hundred Ten

Dollars and Seventy Cents ($10,410.70) which was the highest, best and last bid received.

**NOW THEREFORE**, in his capacity as Substitute Trustee and not otherwise and in consideration of the sum of Ten Thousand Four Hundred Ten Dollars and Seventy Cents ($10,410.70), Martin C. Giner, Substitute Trustee, does hereby bargain, sell and quitclaim, and by these presents do hereby transfer and convey unto the said James I. Caldwell and the Estate of David R. Wade, III (hereinafter referred to as "Grantees"), their successors, heirs and assigns, the following described parcel of land in Davidson County, Tennessee, more particularly described as follows:

> **BEGINNING** at a point in the centerline of Bear Hollow Road, the same being the northwest corner of a 5 acre tract conveyed to James D. Foster; thence with James D. Foster's west line, South 2 deg. 28' 08" West passing through an iron pin in the south margin of said road and crossing Bear Hollow Creek about 535.77 feet to an iron pin; James D. Foster's southwest corner and the southeast corner of this tract; thence South 73 deg. 49' 21" West 450 feet to an iron pin; thence North 2 deg. 28' 08" East crossing back across Bear Hollow Creek and passing through an iron pin in the south margin of said road about 535.77 feet to a point in the centerline of said road; thence with the centerline of said road, North 73 deg. 49' 21" East 450 feet to the beginning, containing 5.00 acres, more or less.
>
> This sale is subject to the right-of-way for Bear Hollow Road and the westerly 5 feet of a 10 foot utility easement running with the east line of the above described property.
>
> This sale is subject to the following restrictions: (1) All dwellings to have completed exteriors, including water, overflow, septic tank, electricity, underpinning being completely covered from dwelling to grade; (2) No vehicles of any kind on said property except with current year licenses.
>
> **BEING** a part of the property conveyed to Samuel E. Foster and wife, Brenda K. Foster, by Deed from Charles W. Kell and wife, Patsy L. Kell, of record in Book 7521, Page 6, Register's Office for Davidson County, Tennessee.
>
> **BEING** the same property conveyed to Charles W. Kell and wife, Patsy L. Kell by Installment Deed from David R. Wade, III and James I. Caldwell, III of record in Book 6702, Page 538, Register's Office for Davidson County, Tennessee.
>
> The street address of the property is 3717 Bear Hollow Road, Joelton, Tennessee 37088.

To have and to hold said property with the appurtenances, estate, title, and interest thereto belonging to the said Grantees, their heirs, successors, and assigns forever as the undersigned in his capacity as Substitute Trustee and not otherwise, has the power to convey the same, but subject to any and all unpaid taxes plus interest and penalty, if any.

And I do further transfer, assign and convey unto the said Grantees all the rights and benefits of the covenants and warranties in said Installment Deed in as full and ample manner as under it I can or should do, but I convey assign, and transfer as Substitute Trustee and not any further or otherwise.

The United States claims a lien against the Property pursuant to 28 U.S.C. § 6321 as set forth in that Notice of Federal Tax Lien of record in Book 8507, Page

539 and 540, Register's Office for Davidson County, Tennessee. The Notice required by 28 U.S.C. § 7425(b) has been timely given in order for the Property not to be subject to such lien or claim of lien. A copy of the Notice provided to the United States and the response, if any, is attached hereto as Exhibit "1". The Property is subject to the right of the United States to redeem the Property as more fully set forth in 28 U.S.C. § 7425(d)(1).

**WITNESS** my hand this 23rd day of December, 1994.

MARTIN C. GINER #12088

**STATE OF TENNESSEE )**

**COUNTY OF DAVIDSON )**

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, the within named Martin C. Giner, Substitute Trustee, the bargainor, with whom I am personally acquainted (or to me proved on the basis of satisfactory evidence), and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

**WITNESS** my hand in Nashville, Davidson County, Tennessee, on this 23rd day of December, 1994.

NOTARY PUBLIC

My Commission expires:

9/21/96

**STATE OF TENNESSEE )**

**COUNTY OF DAVIDSON )**

The actual consideration for this transfer or value of the property transferred, whichever is greater, is $10,410.70.

AFFIANT

Sworn to and subscribed before me this 23rd day of December, 1994.

NOTARY PUBLIC

My Commission expires:

9/21/96

wadesub

Internal Revenue Service

District
Director

Department of the Treasury

801 Broadway MDP 148
Nashville, Tennessee 37203

BOOK 9555 PG 818

Person to Contact:
Scott Biggs
Telephone Number:
(615) 736-2339
Refer Reply to:
[redacted]-1033
Date:
December 12, 1994

MARTIN C GINGER
GINGER AND WOOD ATTORNEYS
326 WASHINGTON SQ, 222 2ND AVE N
NASHVILLE TN 37201

Re: Notice of Sale
Taxpayer: FOSTER, SAMUEL E & BRENDA
Property Address 3717 BEAR HOLLOW RD
JOELTON,, TN 37080

Dear Mr. Ginger:

We received your notice of non-judicial foreclosure concerning the property of the taxpayer identified above. The notice dated November 16, 1994 was filed on time and contains all of the required information.

If the property is sold for more than the total due on the foreclosing instrument, plus other liens senior to the Federal tax lien(s) but junior to the foreclosing instrument, the government is entitled to the surplus proceeds. Please send any surplus proceeds to the Internal Revenue Service, 801 Broadway MDP 148, Nashville, Tennessee 37202, ATTENTION Special Procedures Function.

Thank you for your cooperation.

Sincerely,

Chief, Advisory Section
Special Procedures Branch

EXHIBIT

1

[redacted]

District Director
Internal Revenue Service
801 Broadway
Nashville, TN 37203

BOOK 9555 PG 819

**Attention: Chief Special Procedures Staff**
**NOTICE OF NON-JUDICIAL SALE OF REAL PROPERTY AND APPLICATION FOR CONSENT TO SELL PROPERTY FREE FROM FEDERAL TAX LIEN**

The following is a Notice of Non-Judicial Sale of Real Estate Property and Application for Consent to Sell Free From Federal Tax Lien under Section 7425 of the Internal Revenue Code (IRC). The information below is furnished in Regulations and Treasury Publications 786.

1. Name and address of person submitting the Notice:

Barbara Wade
Executrix of the Estate of David R. Wade, III and
James I. Caldwell, III
c/o Martin C. Giner, Attorney at Law
222 Second Avenue North
Suite 326
Nashville, TN 37201

2. Name and address of taxpayer against whom the lien was filed:

Samuel E. & Brenda Foster
3717 Bear Hollow Road
Whites Creek, TN 37080-8907

3. Description of property:

This property is located at 3717 Bear Hollow Road, Whites Creek, TN 37088. See Exhibit "A" attached hereto and incorporated herein by reference for the legal description to this property.

4. Attach a copy of each notice of Federal tax lien:

See Exhibit "B" attached hereto and incorporated herein by reference.

5. The date, time, place and terms of the sale of the property:

The property will be sold at the south door of the Davidson County, Tennessee Courthouse for cash to the highest bidder. The sale will take place on December 23, 1994 at 12:00 noon Central Standard Time. See Notice of Substitute Trustee's Sale Exhibit "C" attached hereto and incorporated herein reference.

6. Encumbrances believed to have priority over the Federal tax lien:

A. Installment Deed in the principal amount of $8,900.00 and Deed of Correction attached as Exhibit "D".
B. Real Estate taxes for 1992 in the amount of $219.47 and for 1993 in the amount of $193.38.

7. Approximate amount chargeable against sale proceeds:

The approximate amount of principal owed the undersigned creditors is $9,052.99 as of November 15, 1994. The following expenses are chargeable against the sale proceeds.

| | |
|---|---|
| Legal Advertising: | $ 360.00 |
| Estimated Recording: | 40.00 |
| Attorney Fees: | 850.00 |
| Taxes: | 412.87 |
| Appraisal: | NONE |
| **TOTAL:** | **$1,662.87** |

8. Name, address and telephone number of representative:

Martin C. Giner
Attorney at Law
222 Second Avenue North
Suite 326
Nashville, TN 37201
(615) 259-9222

EXHIBIT
1

Under penalties of perjury, we declare that we have examined this application, including any accompanying schedules, exhibits, affidavits, and statements, and to the best of our knowledge and belief, it is true, correct and complete.

BARBARA WADE, Executrix of the
Estate of David R. Wade, III

JAMES I. CALDWELL

wadetaxl

Sworn to and subscribed by me this 14th day of November, 1994.

Mary B Chumbley
Com EXP 1-22-95

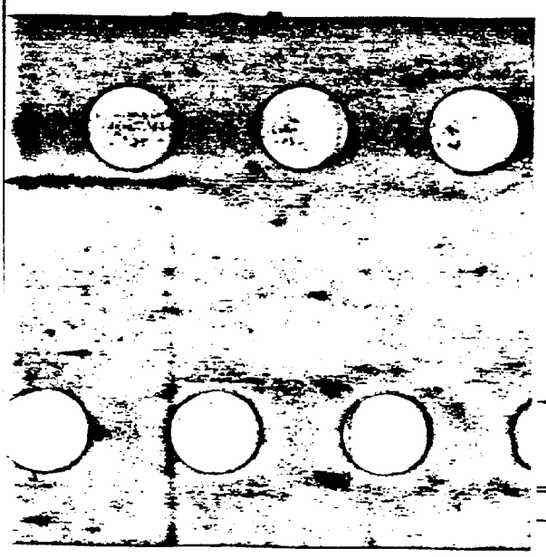
20402

IDENTIF. & REFERENCE

94 DEC 27 PM 2:35

DAVID

55.00 12/27 0101 03CHECK 53.48



**OFFICIAL RECEIPT**

**FELIX Z. WILSON, II**

**REGISTER OF DAVIDSON COUNTY**
**NASHVILLE, TENNESSEE**

RECEIVED OF _____

FOR _____

BOOK 9555 PG 821

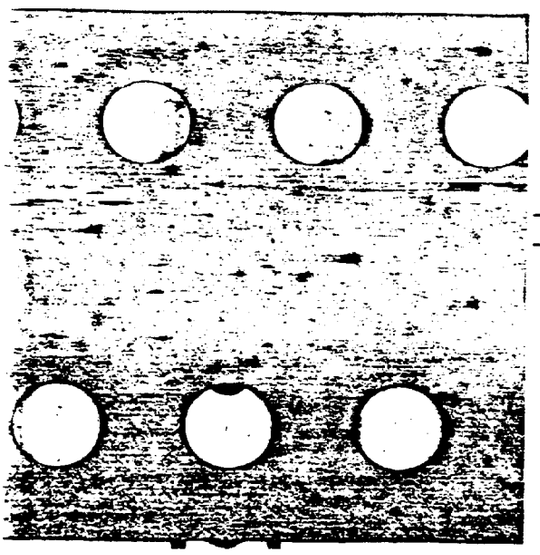
| | | |
|---|---|---|
| CO - CONVEYANCE | CC - CERTIFIED COPY | MISC - MISCELLANEOUS |
| MO - MORTGAGE | REL - RELEASE | CO TX - STATE TAX CONVEY |
| WD - WARRANTY DEED | UCC - UNIFORM COMMERCIAL CODE | MO TX - STATE TAX MORT |
| TD - TRUST DEED | | PRFEE - PROBATE FEE |

| DATE | SYMBOL | VALUATION | TAX AND FEES | TOTAL PAID |
|---|---|---|---|---|

| | |
|---|---|
| CAMT | 10410.70 |
| CON TX | 38.48 |
| PRFEE | 1.00 |
| MISC | 24.00 |
| TOTAL | 63.48 |
| CHECK | 63.48 |

12/27/94 01 14:34 0001 6549

**RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK**



20402
IDENTIF. # REFERENCE

94 DEC 27 PM 2:35
REGISTER
DAVIDSON COUNTY, TN.

**No.** 866455