22

95-9715-FI (0009) TN17

This instrument prepared by:
I. DYKE TATUM
ATTORNEY AT LAW
SUITE 200, ARENA PLACE
2001 CHARLOTTE AVENUE
NASHVILLE, TN 37203
Map/Parcel 51-14 68

NO MORTGAGE
New Owner - Send Tax Bills:
FIRST INVESTMENT COMPANY
P. O. BOX 729
COLUMBUS, OH 43216-0729

BOOK 9706 PG 859

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, on the Twelfth day of January, 1987, RICHARD A. NORTHCUTT, was named Trustee in a Deed of Trust of even date executed by ALTON B. STRACENER AND WIFE, BEVERLY J. STRACENER, conveying to him as Trustee the real estate hereinafter described, said Deed of Trust being executed to secure the payment of $62,200.00, principal and interest at 9.000% per annum on the unpaid balance, said Deed of Trust being recorded in Book 7112, Page 262, in the Register's Office for DAVIDSON County, Tennessee; and

WHEREAS, I. DYKE TATUM, was appointed Substitute Trustee under said Deed of Trust by instrument of record in * in the Register's Office for DAVIDSON County, Tennessee; I, I. DYKE TATUM, Substitute Trustee, at the request of the holder of said indebtedness, and under and by virtue of the powers vested in me as such Substitute Trustee in said Deed of Trust, advertised the said real estate as required by law, and by the terms of said Deed of Trust by giving twenty-one (21) days notice by three (3) successive publications, namely: May 11, 1995 / May 18, 1995 / May 25, 1995, in THE NASHVILLE RECORD, a newspaper published in DAVIDSON County, Tennessee, said sale to be for cash and in bar of the equities of redemption, dower and homestead, as provided in said Deed of Trust. * Book 9667, Page 211

PURSUANT to said advertisement on Tuesday, June 20, 1995, at 11:00 A.M., at FRONT DOOR OF THE COURTHOUSE, DAVIDSON COUNTY, TENNESSEE, I, as said Substitute Trustee, offered for sale at public outcry to the highest and best bidder, the real estate hereinafter described for cash and in bar of the hereinabove mentioned equities as provided in said Deed of Trust, at which time FIRST INVESTMENT COMPANY, P. O. BOX 729, COLUMBUS, OH, submitted the highest and best bid in the amount of $ 48,398.00 .

NOW THEREFORE, in consideration of the premises, I, I. DYKE TATUM, Substitute Trustee, do hereby sell, transfer and convey to FIRST INVESTMENT COMPANY, its successors and assigns in fee simple, and in bar of all equities above mentioned, the following described real property, to-wit:

PROPERTY IN MADISON, COUNTY OF DAVIDSON, AND STATE OF TENNESSEE, TO WIT:

BEING PART OF A 1.37 ACRE TRACT AS SHOWN ON A SURVEY OF THE ROBERT B. BECK PROPERTY BY PARRISH ENGINEERS, DATED DECEMBER 17, 1968, AND ACCORDING TO A LOAN SURVEY PREPARED BY JOHN B. KOHL, DATED SEPTEMBER 8TH, 1972.

SAID PART OF 1.37 ACRE TRACT FRONTS 90 FEET ON THE NORTHERLY MARGIN OF WALTON LANE AND FROM A POINT ON SAID MARGIN, 557 FEET EAST OF THE INTERSECTION OF WALTON LANE AND BRIARVILLE ROAD, NORTH 2 DEGREES 13' EAST 207.50 FEET, THENCE SOUTH 87 DEGREES 43' EAST 90 FEET, THENCE SOUTH 2 DEGREES 13' WEST 207.50 FEET, THENCE NORTH 87 DEGREES 43' WEST 90 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO JAY D. LIVINGSTON AND KAY DABB-CARSON BY DEED FROM ALTON B. STRACENER AND WIFE, BEVERLY J. STRACENER OF RECORD IN BOOK 8884, PAGE 65, REGISTERS OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

THE LAND HEREIN ABOVE DESCRIBED IS CONVEYED SUBJECT TO THE RIGHTS OF THE UNITED STATES OF AMERICA TO REDEEM THE LAND AS PROVIDED FOR IN 26 U.S.C. 7425(d)(1).
THE LAND HEREIN ABOVE DESCRIBED IS CONVEYED SUBJECT TO THE RIGHTS OF THE STATE OF TENNESSEE TO REDEEM THE LAND AS PROVIDED FOR IN T.C.A. 67-1-1433(b)(1)

95-9715-FI (0010) TN17 BOOK 9706 PG 860

I, I. DYKE TATUM, Substitute Trustee, convey to FIRST INVESTMENT COMPANY, all the rights conveyed to me as said Substitute Trustee in said Deed of Trust, including such covenants and warranties as I, as such Substitute Trustee, may lawfully make, all my actions in the premises being solely as Substitute Trustee and not otherwise under the power vested in me under said Deed of Trust hereinabove referred to and not as an individual.

Witness my hand and official seal at NASHVILLE, Tennessee, this Twentieth day of June, 1995.

I. DYKE TATUM
Substitute Trustee

STATE OF TENNESSEE }
} ss.
COUNTY OF Davidson }

3031 06/20 0101 03CHECK 204.08

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

Witness my hand and official seal at office at NASHVILLE, Tennessee, this Twentieth day of June, 1995.

Notary Public

My Commission Expires: 7/25/98.

STATE OF Tennessee }
} ss.
COUNTY OF Davidson }

The actual consideration or value, whichever is greater for this transfer is $ 48,398.00.

Affiant

Subscribed and sworn to before me, this Twentieth day of June, 1995.

Notary Public

My Commission Expires: 7/25/98.

RETURN TO:
I. DYKE TATUM
ATTORNEY AT LAW
SUITE 200, ARENA PLACE
2001 CHARLOTTE AVENUE
NASHVILLE, TN 37203

0071675
IDENTIFICATION REFERENCE

95 JUN 20 AM 11:12
FELIX [illegible] REGISTER
DAVIDSON COUNTY, TN.

95-9715-FI (0027) TN21

EXHIBIT A

BOOK 9706 PG 861

Law Offices

TATUM & JONES

I. Dyke Tatum
J. Phillip Jones

Suite 200, Arena Place
2001 Charlotte Avenue
Nashville, TN 37203

Tel (615) 321-5540
Fax (615) 321-5557

May 21, 1995

INTERNAL REVENUE SERVICE
SPECIAL PROCEDURES STAFF
P. O. BOX 1107
NASHVILLE, TN 37202

RE: Federal Tax Lien SERIAL NO.: 629020942
ID # 62-1291150
JAY LIVINGSTON
320 WALTON LANE, MADISON, TN, 37115

Dear SIR OR MADAM

This will notify the Internal Revenue Service that property affected by the Federal Tax Lien referred to above will be sold at public auction, to the highest bidder for cash, on June 20, 1995 at 11:00 A.M., at FRONT DOOR OF THE COURTHOUSE, DAVIDSON COUNTY, TENNESSEE in DAVIDSON County, Tennessee. This property is more adequately described in attached Schedule A. Please find attached the following:

1. Copy of the Tax Lien
2. Copy of the Deed of Trust being foreclosed on
3. Copy of the Mortgage Title Policy
4. Copy of the Notice of Publication

The outstanding balance of the note secured by the mortgage to be foreclosed is $57,516.77. The holder of the mortgage will at the sale bid in the property at approximate $ 60,818.77, plus costs and fees of approximately $ 1200.00. Approximately $ 3,175.00* of this figure is interest. However the lender reserves the right to bid less than the total debt in order to preserve a possible deficiency.

Very truly yours,

I. DYKE TATUM

*Misc. Expenses: $127.00
(late charges)

Received by: Scott Simon

Date Received: 5-25-95

Enclosures

HAND D V)

5-26-95

Internal Revenue Service

EXHIBIT B

District
Director

Department of the Treasury

801 Broadway MDF 148
Nashville, Tennessee 37203

BOOK 9706PG862

Person to Contact:
Ralph Wagner
Telephone Number:
(615) 545-4424
Refer Reply to:
62-1291150
Date:
May 21, 1995

I. DYKE TATUM

STE 200, ARENA PL, 2001 CHARLOTTE
NASHVILLE TN 37203

Re: Notice of Sale
Taxpayer: LIVINGSTON, JAY D.
Property Address: 320 WALTON LANE
MADISON, TN 37115

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

Dear Mr. Tatum:

We received your notice of non-judicial foreclosure concerning the property of the taxpayer identified above. The notice dated May 21, 1995 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 MDF 148, Nashville, Tennessee 37202, ATTENTION Special Procedures Function.

Thank you for your cooperation.

Sincerely,

Chief, Advisory Section
Special Procedures Branch

95-9715-FI (0029) TN22

EXHIBIT C

Law Offices

TATUM & JONES

Suite 200, Arena Place
2001 Charlotte Avenue
Nashville, TN 37203

I. Dyke Tatum
J. Phillip Jones

Tel (615) 321-5540
Fax (615) 321-5557

BOOK 9706PG863

May 21, 1995

STATE OF TENNESSEE
DEPARTMENT OF EMPLOYMENT SECURITY
NASHVILLE, TN 37245

RE: State Tax Lien 0-2006
ID # [redacted] (Account No.) 289-563
JAY LIVINGSTON
320 WALTON LANE, MADISON, TN, 37115

Dear

This will notify the State of Tennessee that property affected by the State Tax Lien referred to above will be sold at public auction, to the highest bidder for cash, on June 20, 1995 at 11:00 A.M., at FRONT DOOR OF THE COURTHOUSE, DAVIDSON COUNTY, TENNESSEE in DAVIDSON County, Tennessee. This property is more adequately described in attached Schedule A. Please find attached the following:

1. Copy of the Tax Lien
2. Copy of the Deed of Trust being foreclosed on
3. Copy of the Mortgage Title Policy
4. Copy of the Notice of Publication

The outstanding balance of the note secured by the mortgage to be foreclosed is $57,516.77. The holder of the mortgage will at the sale bid in the property at approximate $ 60,818.77, plus costs and fees of approximately $ 1200.00. Approximately $ 3175.00* of this figure is interest. However the lender reserves the right to bid less than the total debt in order to preserve a possible deficiency.

Very truly yours,

I. DYKE TATUM

*Misc. Expenses: $127.00
(late charges)

Received by: [signature]

Date Received: 5-23-95

Enclosures

Enclosures Received: _____

HAND DELIVERED

5-23-95
9:00a.m.

EXHIBIT D

BOOK 9706 PG 864

STATE OF TENNESSEE
DEPARTMENT OF EMPLOYMENT SECURITY
500 James Robertson Pkwy., 12th Floor
Nashville, Tennessee 37245-0100
(615) 741-3170
(615) 741-3203 FAX

May 26, 1995

I. Dyke Tatum, Esq.
Suite 200, Arena Plaza
2001 Charlotte Avenue
Nashville, Tennessee 37203

RE: Property of Jay Livingston
d/b/a Jay's Drive-In Market
TDES Acct. # 289-563
TDES Lien # 0-2006
Notice of Foreclosure Sale - June 20, 1995

Dear Mr. Tatum:

Your letter of May 21, 1995, is acknowledged, along with the attendant Notice of Foreclosure, and this will respectfully advise:

1. That said Notice is accepted as being timely and adequate; and,

2. That the amount of delinquent unemployment taxes, penalty and interest computed to date of sale is $271.48.

It is requested that you further advise us after the sale regarding: (i) actual proceeds of sale; (ii) net mortgage balance owed to the foreclosing creditor; (iii) sale costs; (iv) other liens, and this Agency's apparent position of priority with respect to same; and, (v) your proposed distribution of sale proceeds.

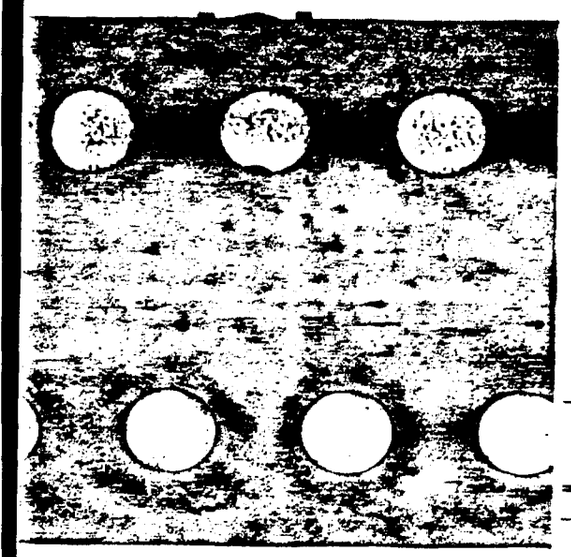
Should you have further questions regarding this matter, please let us know.

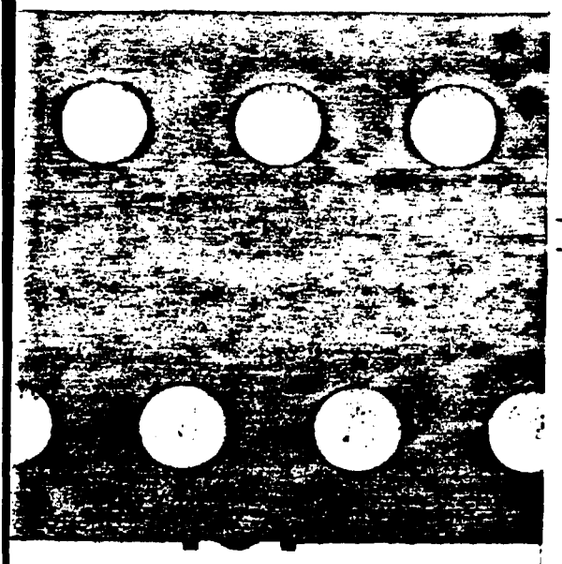
Sincerely,

Michael D. Fort
Counsel to Commissioner

MDF:EM

cc: J. A. Matheney, Central Office





OFFICIAL RECEIPT
FELIX Z. WILSON, II
REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____

FOR _____

BOOK 9706PG865

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 48398.00
CON TX 179.08
[illegible] 1.00
MDEED 24.00
TOTAL 204.08
CHECK 204.08

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

95 JUN 20 AM 11:12
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

06/20/95 01 11:15 0001 3031

0071675
IDENTIF. ↑ REFERENCE

No. 922252