FILE NO.: 590.0314113TN\gmd
LOAN NO.: 7010018963\CONV

THIS INSTRUMENT PREPARED
BY & RETURN TO:
Priority Trustee Services of TN, L.L.C.
3300 N.E. Expressway, Building 8
Atlanta, GA 30341

Davidson County DEEDTRS
Recvd: 12/04/03 14:39 13pgs
Fees:68.00 Taxes:578.27
20031204-0174737

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated May 2, 1996, and recorded in the Register's Office of Davidson County, TN, at Instrument 10043, Page 356, ("Deed of Trust"), William B.Dukes conveyed to Ron Suedekum, as Trustee, the hereinafter described property for the purpose of securing payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, **Bank of America NA,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument 200310170153754,** in the Register's Office of Davidson County, TN; and

WHEREAS, default has been made in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and the holder of said Deed of Trust requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, the property was advertised for sale in conformity with the laws of TN and the terms and provisions of said Deed of Trust on 10/16/2003, 10/23/2003, 10/30/2003, in THE NASHVILLE RECORD, by which advertisement the sale was held on November 20, 2003, at the At the corner of Fifth and Broadway at the Main Entrance to the Gaylord Entertainment Center in Nashville, Davidson County, TN, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, Federal Tax Lien(s) have been filed against the subject property in the Register's Office of Davidson County, Tennessee, at Book 20020403, Page 0040712; Book 20020726, Page 0089992; Book 20020726, Page 0090007. Notice of the sale was given to the United States pursuant to 26 U.S.C. 7425(b) and a copy is attached hereto as Exhibit "A". The response of the United States is attached hereto as Exhibit "B". The property is subject to the right of the United States to redeem pursuant to 26 U.S.C. 7425(d)(1).

WHEREAS, State Tax Lien(s) have been filed by the Tennessee Department of Revenue against the subject property in the Register's Office of Davidson County, Tennessee, at Book 20020207, Page 0016800; Book 20030128, Page 0011677. Notice of the sale was given to the State of Tennessee pursuant to T.C.A. 67-1-1433(b)(1) and a copy is attached hereto as Exhibit "C". The response of the State of Tennessee is attached hereto as Exhibit "D". The property is subject to the right of the State of Tennessee to redeem pursuant to T.C.A. 67-1-1433(c)(1).

WHEREAS, at the time and place mentioned in said advertisement, Higgins, Himmelberg & Piliponis, P.L.L.C., the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale **Bank of America NA**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $ 156,288.86; and

WHEREAS, the owner and holder of said debt for which said property was sold has complied with the terms of sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance of the purchase price being credited on the indebtedness secured by said Deed of Trust;

NOW, THEREFORE, in consideration of the premises and of the payment by Bank of America NA as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **Priority Trustee Services of TN, L.L.C.,** as Substitute Trustee, does hereby grant, bargain, sell and convey unto **Bank of America NA,** its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of TN:

Land in the 6th Civil District of Davidson County, Tennessee, being part of the John R. Ozier 121.97 acre tract and described according to a Mortgage Loan Inspection By John Kohi, III, Tenesee Registered Land Surveyor, No. 100, dated May 2, 1996 as follow:
Beginning at a point in the southerly margin of Allied Drive, said point being the northwest corner of the property conveyed to the Parman Corporation by deed of correction from W.P. Sanford, as of record in Book 4068, page 659, Register's Office for Davidson County, Tennesse; thence along the southerly margin of Allied Drive south 64 degrees 49 minute west,a distance of 100 feet to a point; thence South 25 degrees 11 minutes East a distance of 230 feet to a point; thence, North 64 degrees 49 minute East a distance of 92.89 feet to a point; thence North 64 degresse 36 second west, 95.25 feet to a point; thence North 25 degrees 11 minute West a distance of 135 feet to the point of beginning.

Being the same property conveyed to the Grantor (s) herein by Deed of even date and being filed for record simmultaneously herewith.

The last recorded Warranty Deed was filed of record at Instrument 10043, Page 348, in the Register's Office of Davidson County, TN.

TO HAVE AND TO HOLD the property described above, together with the privileges, appurtenances, and hereditaments thereunto belonging or in any way appertaining unto the said **Bank of America NA,** its successors and assigns forever, to whom the said, **Priority Trustee Services of TN, L.L.C.,** as Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through or under him, but not further nor otherwise.

IN TESTIMONY WHEREOF, **Priority Trustee Services of TN, L.L.C.,** Substitute Trustee, has hereunto set his hand, this 20th day of November, 2003.

Priority Trustee Services of TN, L.L.C.
Substitute Trustee

STATE OF GEORGIA
COUNTY OF DEKALB

On this 20th day of November, 2003, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared , Dionne Simmons, with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person), and who, upon his or her oath, acknowledged himself or herself to be the Vice President of **Priority Trustee Services of TN, L.L.C.,** the within named bargainor, and as such officer or member being duly authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing thereto the name of the limited liability company by himself or herself as such officer or member.

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

Notary Public

My Commission Expires: _____

GERMAINE DUNCAN NOTARY PUBLIC CLAYTON COUNTY GEORGIA EXPIRES SEPT. 21, 2007

****

STATE OF GEORGIA
COUNTY OF DEKALB

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $ 156,288.86, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 20th DAY OF NOVEMBER 2003.

Notary Public

My Commission Expires: _____

GERMAINE DUNCAN NOTARY PUBLIC CLAYTON COUNTY GEORGIA EXPIRES SEPT. 21, 2007

****

MSP No.: 590.0314113TN (Dukes)
Lender Loan No.: 7010018963
Property Address: 403 Allied Drive, Nashville, TN 37204
Tax Parcel ID No.: 133-06;242.00

Mail Tax Notices To and Property Owner:
Bank of America (FL) / FNFS
1270 Northland Drive
Mendota Height, MN 55120

REVENUE ENFORCEMENT DIVISION

PHIL BREDESEN
Governor

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

LOREN L. CHUMLEY
Commissioner

October 14, 2003

Germaine M Duncan
Morris, Schneider and Prior
3300 N E Expressway, Bldg 8
Atlanta, GA 30341

Re: Foreclosure Sale of Property Owned by: **William B Dukes**

Entity Number [redacted] **4911, 621587444**

Dear Mr. Duncan:

This is in reference to your letter dated October 13, 2003 concerning a foreclosure sale of property owned by the above-captioned taxpayer(s).

Your letter **does** comply with the provisions of T.C.A. 67-1-1401 et. seq., but if the sale produces more than the amount needed to satisfy the cost of the sale, the indebtedness indicated in your letter, and any other superior liens, the amount of surplus proceeds up to the amount of taxes, penalties and interest due the Department of Revenue must be remitted to the State of Tennessee. The amount of taxes, penalties and interest that is due as of **November 13, 2003** is **$24,567.60**.

After the sale, please furnish me with an accounting of the sale (closing statement), and I will release the State's tax lien on the property sold. I trust that this has answered your letter, but if not, please let me know.

Sincerely,

Becky Tellas

Becky Tellas, Supervisor
Special Procedures Section
Revenue Enforcement Division

BT/rp

c: *file*

sold back to lender for $156,288.84 Bank of America

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, D.C. 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

October 15, 2003

Morris, Schneider & Prior, L.L.C.
3300 N.E. Expressway, Building 8
Atlanta, Georgia 30341

Dear Mr. Duncan:

This is to acknowledge receipt of your correspondence dated October 13, 2003 regarding William B. Dukes, ~~2005 Armory Drive~~ 403 Allied Drive, Nashville, Tennessee 37204, TIN [redacted]4-[redacted]044. Your notice is considered adequate for a non-judicial sale under the provisions of Section 7425 of the Internal Revenue Code of 1986.

If the property is sold for more than the total due on the foreclosing instrument, any excess proceeds are subject to the lien(s) of the Internal Revenue Service. Send excess proceeds to the address shown below.

The Internal Revenue Service reserves its right to redeem real property. If you desire to submit an application for release of our right of redemption, you may request a copy of Publication 487, by calling 1-800-TAX-FORM. A payment may be required to secure a release.

We are enclosing a blank "Report Of Sale". Within fifteen (15) days from the day of sale, please complete the report and return it to the address on the Report of Sale. If the sale is canceled, please provide a brief explanation as to the reason.

If you have any questions, please contact P. Jackson, badge number 62-09322, telephone number, (615)250-5749, fax to (615)250-5406, or write to 801 Broadway, MDP 53, Nashville, TN 37203. Thank you for your cooperation.

Sincerely,

K. Scott Franks
Technical Services Group Manager

Enclosure

REPORT OF SALE

William B. Dukes
~~2005 Armory Drive~~, Nashville, Tennessee 37204
[redacted]-0044

103 Allied Drive

Date Sale Held: 11/20/2003 Sale Price: $186,288.86

Purchaser's Name and Address: Sold back to lender Nationbank of Tennessee aka Bank of America

Payoff Amount of Foreclosing Instrument: _____

Detail Expenses Charged to the Sale: _____

_____

Will You Seek a Deficiency Judgment? YES NO

Amount of Judgment Obtainable: _____

Judgment Recording Place: _____

_____

Volume: _____ Page: _____

"Under penalty of perjury, I declare this information true, correct and complete."

11/20/2003 _____
Date Signature

MAIL TO:
INTERNAL REVENUE SERVICE
AREA DIRECTOR COMPLIANCE
ATTN: TECHNICAL SERVICES
801 BROADWAY, MDP 53
NASHVILLE, TN 37203

MORRIS, SCHNEIDER & PRIOR, L.L.C.

ATTORNEYS AND COUNSELORS AT LAW
3300 N.E. EXPRESSWAY, BUILDING 8
ATLANTA, GA 30341
(770) 234-9181
FAX (770) 234-9192

October 13, 2003

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Copy Via Regular Mail

Attn: Becky
Department of Revenue
Tax Enforcement Division
P.O. Box 190665
Nashville, TN 37219-0865

Re: **Notice of State Tax Lien/Consent to Sell**
MSP File Number: **590.0314113TN**
Lender Loan No.: **7010018963**
Name Per Client: **William B.Dukes**
Property Address: **2905 Armory Drive**
Nashville, TN 37204

Dear Sir or Madam:

I am writing to advise you in accordance with T.C.A. 67-1-1433 that Bank of America (FL) / FNFS has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on November 13, 2003. Enclosed is a copy of the Substitute Trustee's Notice, which is being published in the Davidson County legal newspaper. The recording information for the Deed of Trust, as well as the terms of sale and additional information, can be found in this notice.

The title search of the Davidson County records indicates that two state tax lien(s) has/have been filed against certain parties thought to be the owners of the subject property. As required, we have attached a copy(ies) of the specific state tax lien(s) found; said lien(s) were recorded in Instrument No's. 200202070016800 and 200301280011677.

We are not certain that the parties named in the state tax lien(s) are the same as the above-referenced borrower(s), or other predecessors in title. However, the names and social security numbers of the individual(s) against whom the above-referenced lien(s) are filed are as follows: William Dukes [redacted]-0044.

The unpaid principal balance of the loan against the above-referenced property is approximately $130,240.43. Interest through the sale date is approximately $230,036.32. Costs and attorneys' fees associated with the sale should be approximately $1,500.00.

Please return an acknowledged receipt of this notice on the enclosed duplicate letter

and return in the enclosed self-addressed stamped envelope. If you should have any questions about this matter, please do not hesitate to contact this office.

Sincerely,
MORRIS, SCHNEIDER & PRIOR, L.L.C.

Germaine M. Duncan

Enclosures
cc: Bank of America (FL) / FNFS

SUBSTITUTE TRUSTEE'S SALE

WHEREAS, default having been made in the payment of the debts and obligations secured to be paid by that certain Deed of Trust executed on May 2, 1996, by William B.Dukes to Ron Suedekum, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Book 10043, Page 356, ("Deed of Trust"); and

WHEREAS, Bank of America NA, the current owner and holder of said Deed of Trust, (the "Owner and Holder"), appointed the undersigned, Priority Trustee Services of TN, L.L.C., as Substitute Trustee by instrument filed for record in the Register's Office of Davidson County, Tennessee, with all the rights, powers and privileges of the original Trustee named in said Deed of Trust; and

NOW, THEREFORE, notice is hereby given that the entire indebtedness has been declared due and payable as provided in said Deed of Trust by the Owner and Holder, and that the undersigned, Priority Trustee Services of TN, L.L.C., Substitute Trustee, or his duly appointed attorneys or agents, by virtue of the power and authority vested in him, will on **Thursday, November 13, 2003**, commencing at at the At the corner of Fifth and Broadway at the Main Entrance to the Gaylord Entertainment Center of the Davidson County Courthouse, Nashville, Tennessee, proceed to sell at public outcry to the highest and best bidder for cash, the following described property situated in Davidson County, Tennessee, to wit:
Land in the 6th Civil District of Davidson County, Tennessee, being part of the John R. Ozier 121,97 acrde tract and described according to a Mortage Loan Inspection By John Kohi, 111, Tenesee Registered Land Surveyor, No. 100, dated May 2, 1996 as follow:

Beginning at a point in the southerly margin of Allied Drive, said point being the northwest corner of the property conveyed to the Parman Corporation by deed of correction from W.P. Sanford, as of record in Book 4068, page 659, Register's Office for Davidson County, Tennesse; thence along the southerly margin of Allied Drive south 64 degrees 49 minute west,a distance of 100 feet to a point; thence South 25 degrees 11 minutes East a distance of 230 feet to a point; thence, North 64 degrees 49 minute East a distance of 92.89 feet to a point; thence North 64 degresse 36 second west, 95.25 feet to a point; thence North 25 degrees 11 minute West a distance of 135 feet to the point of beginning.

Being the same property conveyed to the Grantor (s) herein by Deed of even date and being filed for record simmultaneously herewith.

PROPERTY ADDRESS: 2905 Armory Drive, Nashville, TN 37204

CURRENT OWNER(S): William B.Dukes

The sale of the above-described property shall be subject to all matters shown on any recorded plan; any unpaid taxes; any restrictive covenants, easements or set-back lines that may be applicable; any prior liens or encumbrances as well as any priority created by a fixture filing; and any matter that an accurate survey of the premises might disclose.

This sale is also subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF THE U.S. TREASURY,** pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record in: Instrument No's 200204030040712; 20020726 0089992; 20020726 0090007. Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

In addition, this sale shall be subject to the right of redemption by the **TENNESSEE DEPARTMENT OF REVENUE, TAX ENFORCEMENT DIVISION,** pursuant to T.C.A. 67-1-1433(c)(1) by reason of the following tax lien(s) of record in: Book 20020207, Page 0016800; Book 20030128, Page 0011677. Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

SUBORDINATE LIENHOLDERS: N/A
OTHER INTERESTED PARTIES: N/A

All right and equity of redemption, statutory or otherwise, homestead, and dower are expressly waived in said Deed of Trust, and the title is believed to be good, but the undersigned will sell and convey only as Substitute Trustee.

The right is reserved to adjourn the day of the sale to another day, time, and place certain without further publication, upon announcement at the time and place for the sale set forth above.

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Priority Trustee Services of TN, L.L.C., Substitute Trustee
c/o Germaine M. Duncan
Morris, Schneider & Prior, L.L.C.
3300 N.E. Expressway, Building 8
Atlanta, GA 30341
(770) 234-9181 (ext. 1382)
MSP File No.: 590.0314113TN
Insertion Dates: 10/16/2003, 10/23/2003, 10/30/2003

MORRIS, SCHNEIDER & PRIOR, L.L.C.

ATTORNEYS AND COUNSELORS AT LAW
3300 N.E. EXPRESSWAY, BUILDING 8
ATLANTA, GA 30341
(770) 234-9181
FAX (770) 234-9192

October 13, 2003

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Copy Via Regular Mail

Area Director- Compliance
Attn: Technical Support- P. Jackson
801 Broadway MDP 53
Nashville, TN 37203

Re: **Notice of Federal Tax Lien**
MSP File Number: **590.0314113TN**
Lender Loan No.: **7010018963**
Name Per Client: **William B.Dukes**
Property Address: **2905 Armory Drive**
Nashville, TN 37204

Dear Sir or Madam:

I am writing to advise you in accordance with 26 U.S.C. 7425 that Bank of America (FL) / FNFS has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on November 13, 2003. Enclosed is a copy of the Substitute Trustee's Notice, which is being published in the Davidson County legal newspaper. The recording information for the Deed of Trust, as well as the terms of sale and additional information, can be found in this notice.

The title search of the Davidson County records indicates that three federal tax lien(s) has/have been filed against certain parties thought to be the owners of the subject property. As required, we have attached a copy(ies) of the specific federal tax lien(s) found; said lien(s) were recorded in Instrument 200204030040712; Instrument 200207260089992; Instrument 20020726 0090007.

We are not certain that the parties named in the federal tax lien(s) are the same as the above-referenced borrower(s), or other predecessors in title. However, the names and social security numbers of the individual(s) against whom the above-referenced lien(s) are filed are as follows: William Dukes [redacted]-0044. A copy(ies) of the deed(s) conveying the subject property into said individual(s) is/are also enclosed.

The unpaid principal balance of the loan against the above-referenced property is approximately $130,240.43. Interest through the sale date is approximately $230, 036.32. Costs and attorneys' fees associated with the sale should be approximately $1,500.00.

Please return an acknowledged receipt of this notice on the enclosed duplicate letter and return in the enclosed self-addressed stamped envelope. If you should have any questions about this matter, please do not hesitate to contact this office.

Sincerely,
MORRIS, SCHNEIDER & PRIOR, L.L.C.

Germaine M. Duncan

Enclosures
cc: Bank of America (FL) / FNFS

SUBSTITUTE TRUSTEE'S SALE

WHEREAS, default having been made in the payment of the debts and obligations secured to be paid by that certain Deed of Trust executed on May 2, 1996, by William B.Dukes to Ron Suedekum, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Book 10043, Page 356, ("Deed of Trust"); and

WHEREAS, Bank of America NA, the current owner and holder of said Deed of Trust, (the "Owner and Holder"), appointed the undersigned, Priority Trustee Services of TN, L.L.C., as Substitute Trustee by instrument filed for record in the Register's Office of Davidson County, Tennessee, with all the rights, powers and privileges of the original Trustee named in said Deed of Trust; and

NOW, THEREFORE, notice is hereby given that the entire indebtedness has been declared due and payable as provided in said Deed of Trust by the Owner and Holder, and that the undersigned, Priority Trustee Services of TN, L.L.C., Substitute Trustee, or his duly appointed attorneys or agents, by virtue of the power and authority vested in him, will on **Thursday, November 13, 2003,** commencing at **12:00 PM** at the At the corner of Fifth and Broadway at the Main Entrance to the Gaylord Entertainment Center of the Davidson County Courthouse, Nashville, Tennessee, proceed to sell at public outcry to the highest and best bidder for cash, the following described property situated in Davidson County, Tennessee, to wit:
Land in the 6th Civil District of Davidson County, Tennessee, being part of the John R. Ozier 121,97 acrde tract and described according to a Mortage Loan Inspection By John Kohi, 111, Tenesee Registered Land Surveyor, No. 100, dated May 2, 1996 as follow:

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Being the same property conveyed to the Grantor (s) herein by Deed of even date and being filed for record simmultaneously herewith.

PROPERTY ADDRESS: 2905 Armory Drive, Nashville, TN 37204

CURRENT OWNER(S): William B.Dukes

The sale of the above-described property shall be subject to all matters shown on any recorded plan; any unpaid taxes; any restrictive covenants, easements or set-back lines that may be applicable; any prior liens or encumbrances as well as any priority created by a fixture filing; and any matter that an accurate survey of the premises might disclose.

This sale is also subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF THE U.S. TREASURY,** pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record in: Instrument No's. 200204030040712; 20020726 0089992; 20020726 0090007. Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

In addition, this sale shall be subject to the right of redemption by the **TENNESSEE DEPARTMENT OF REVENUE, TAX ENFORCEMENT DIVISION,** pursuant to T.C.A. 67-1-1433(c)(1) by reason of the following tax lien(s) of record in: Instrument No's. 20020207 e 0016800; 200301280011677. Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

SUBORDINATE LIENHOLDERS: N/A
OTHER INTERESTED PARTIES: N/A

All right and equity of redemption, statutory or otherwise, homestead, and dower are expressly waived in said Deed of Trust, and the title is believed to be good, but the undersigned will sell and convey only as Substitute Trustee.

The right is reserved to adjourn the day of the sale to another day, time, and place certain without further publication, upon announcement at the time and place for the sale set forth above.

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Priority Trustee Services of TN, L.L.C., Substitute Trustee
c/o Germaine M. Duncan
Morris, Schneider & Prior, L.L.C.
3300 N.E. Expressway, Building 8
Atlanta, GA 30341
(770) 234-9181 (ext. 1382)
MSP File No.: 590.0314113TN
Insertion Dates: 10/16/2003, 10/23/2003, 10/30/2003