FILE NO.: 333.0409115TN\jtw
LOAN NO.: 0047189568\CONV

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

Davidson County DEEDTRS
Recvd: 08/09/04 10:10 12pgs
Fees:63.00 Taxes:215.05
20040809-0095605

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated June 5, 2003, and recorded in the Register's Office of Davidson County, TN, at Instrument No. 20030616-0082806, ("Deed of Trust"), Troy Wayne Allen conveyed to Wesley D. Turner, 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, **Ameriquest Mortgage Company,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument No. 20040701-0078229** in the Register's Office of Davidson County, Tennessee; 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 Tennessee and the terms and provisions of said Deed of Trust on 06/24/04, 07/01/04, 07/08/04, in THE NASHVILLE RECORD, by which advertisement the sale was held on July 15, 2004, at the At the corner of Fifth and Broadway at the Main Entrance to the Gaylord Entertainment Center in Nashville, Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

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 20040123-, Page 0008910; Book 20040218-, Page 0018814. 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 "A". The response of the State of Tennessee is attached hereto as Exhibit "B". 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 **Ameriquest Mortgage Company**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $58,122.70; and

WHEREAS, the said owner and holder of the debt has assigned its interests in the said property to **Deutsche Bank National Trust Company, as Trustee, of Ameriquest Mortgage Securities, Inc., Asset-backed Pass Through Certificates, Series 2003-X3, Under the Pooling and Servicing Agreement dated as of September 1, 2003, Without Recourse,** his/her successors and assigns;

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 Ameriquest Mortgage Company 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 **Deutsche Bank National Trust Company, as Trustee, of Ameriquest Mortgage Securities, Inc., Asset-backed Pass Through Certificates, Series 2003-X3, Under the Pooling and Servicing Agreement dated as of September 1, 2003, Without Recourse,** his/her successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Being Lot No. 141 On the map of Overhill City and W. H. Fox Subdivision of blocks Nos 14, 15, 16, 20, 21, 29 and 30, Cumberland Nurseries as of record in Book No 331, Page 21, Register's Office for Davidson County, Tennessee. Said Lot No. 141 fronts 50 feet on the southerly side of Rose Street and runs back between parallel lines 150 feet to an alley.

Being the same property conveyed to James H. Allen and wife, Bessie Mai Allen by Deed recorded on July 29, 1937, in Deed Number 91778, Register's Office for Davidson County, Tennessee, and thence conveyed by Quitclaim Deed to Tray Wayne Allen by Deed dated March 28, 2003, in Instrument No. 20030416-0050917 and Quitclaim Deed dated March 20, 2003 in Instrument No. 20030416-0050918 and Quitclaim Deed dated March 26, 2003 in Instrument No. 20030416-0050919 Register's Office for Davidson County, Tennessee. Brenda Lee Allen, spouse of Troy Wayne Allen, joins in this conveyance for the express purpose of conveying any and all of her right, title and interest, including all marital and homestead rights in and unto the within described property to the named Trustee.
PROPERTY ADDRESS: 317 Rose Street Nashville, TN, 37210

The last recorded Warranty Deed was filed of record at Instrument No. 20030416 in the Register's Office of Davidson County, Tennessee.

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 **Deutsche Bank National Trust Company, as Trustee, of Ameriquest Mortgage Securities, Inc., Asset-backed Pass Through Certificates, Series 2003-X3, Under the Pooling and Servicing Agreement dated as of September 1, 2003, Without Recourse,** his/her 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 15th day of July, 2004.

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

STATE OF GEORGIA
COUNTY OF DEKALB

On this 15th day of July, 2004, 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.

ROBIN M. WALKER NOTARY PUBLIC EXPIRES GEORGIA APRIL 12, 2008 DEKALB COUNTY

Notary Public

My Commission Expires:_____

**********

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 $ 58,122.70, 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 15th DAY OF JULY 2004.

ROBIN M. WALKER NOTARY PUBLIC EXPIRES GEORGIA APRIL 12, 2008 DEKALB COUNTY

Notary Public

My Commission Expires: _____

**********

**MSP No.: 333.0409115TN (Allen)**
**Lender Loan No.: 0047189568**
**Property Address: 317 Rose Street, Nashville, TN 37210**
**Tax Parcel ID No.: 119-01-0;266.00**

Mail Tax Notices To and Property Owner:
Ameriquest Mortgage Company
505 City Parkway West
Orange, CA 92868

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

ATTORNEYS AND COUNSELORS AT LAW
1587 NORTHEAST EXPRESSWAY
ATLANTA, GA 30329
(770) 234-9181
FAX (770) 234-9192


# EXHIBIT "A"

June 16, 2004

**VIA CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**
Copy Via Regular Mail

Mr. Buddy Hooks
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:** **333.0409115TN**
**Lender Loan No.:** **0047189568**
**Name Per Client:** **Troy Wayne Allen**
**Property Address:** **317 Rose Street**
**Nashville, TN 37210**

Dear Sir or Madam:

I am writing to advise you in accordance with T.C.A. 67-1-1433 that Ameriquest Mortgage Company has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on July 15, 2004. 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 one 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 Book 20040123-, Page 0008910; Book 20040218-, Page 0018814.

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: Troy & Brenda Allen (SSN [redacted]9751).

The unpaid principal balance of the loan against the above-referenced property is approximately $ 52,381.56. Interest through the sale date is approximately $2,939.65. 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.**

Jennifer T. Wilson

Enclosures
cc: Ameriquest Mortgage Company

## 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 June 5, 2003, by Troy Wayne Allen to Wesley D. Turner, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Instrument No. 20030616-0082806, ("Deed of Trust"); and

**WHEREAS**, Ameriquest Mortgage Company, 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, July 15, 2004**, 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:

Being Lot No. 141 On the map of Overhill City and W. H. Fox Subdivision of blocks Nos 14, 15, 16, 20, 21, 29 and 30, Cumberland Nurseries as of record in Book No 331, Page 21, Register's Office for Davidson County, Tennessee. Said Lot No. 141 fronts 50 feet on the southerly side of Rose Street and runs back between parallel lines 150 feet to an alley.

Being the same property conveyed to James H. Allen and wife, Bessie Mai Allen by Deed recorded on July 29, 1937, in Deed Number 91778, Register's Office for Davidson County, Tennessee, and thence conveyed by Quitclaim Deed to Tray Wayne Allen by Deed dated March 28, 2003, in Instrument No. 20030416-0050917 and Quitclaim Deed dated March 20, 2003 in Instrument No. 20030416-0050918 and Quitclaim Deed dated March 26, 2003 in Instrument No. 20030416-0050919 Register's Office for Davidson County, Tennessee. Brenda Lee Allen, spouse of Troy Wayne Allen, joins in this conveyance for the express purpose of conveying any and all of her right, title and interest, including all marital and homestead rights in and unto the within described property to the named Trustee.

PROPERTY ADDRESS: 317 Rose Street Nashville, TN, 37210

**PROPERTY ADDRESS:** 317 Rose Street, Nashville, TN 37210

**CURRENT OWNER(S):** Troy Wayne Allen

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.

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 20040123-, Page 0008910; Book 20040218-, Page 0018814. 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:** Union Planters Bank, NA, Westfield Insurance Company

**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 Jennifer T. Wilson
Morris, Schneider & Prior, L.L.C.
1587 Northeast Expressway
Atlanta, GA 30329
(770) 234-9181 (ext. 1273)
MSP File No.: 333.0409115TN
Insertion Dates: 06/24/04, 07/01/04, 07/08/04

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

ATTORNEYS AND COUNSELORS AT LAW
1587 NORTHEAST EXPRESSWAY
ATLANTA, GA 30329
(770) 234-9181
FAX (770) 234-9192


# EXHIBIT "A"

June 16, 2004

**VIA CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**
Copy Via Regular Mail

Department of Labor and Workforce Development
Delinquent Control
Davy Crockett Tower 8th Floor
500 James Robinson Pkwy
Nashville, TN 37245-3545

**Re:** **Notice of State Tax Lien/Consent to Sell**
**MSP File Number:** **333.0409115TN**
**Lender Loan No.:** **0047189568**
**Name Per Client:** **Troy Wayne Allen**
**Property Address:** **317 Rose Street**
**Nashville, TN 37210**

Dear Sir or Madam:

I am writing to advise you in accordance with T.C.A. 67-1-1433 that Ameriquest Mortgage Company has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on July 15, 2004. 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.

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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: Troy & Brenda Allen (SSN [redacted]9751).

The unpaid principal balance of the loan against the above-referenced property is approximately $ 52,381.56. Interest through the sale date is approximately $2,939.65. 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.**

Jennifer T. Wilson

Enclosures
cc: Ameriquest Mortgage Company

## SUBSTITUTE TRUSTEE'S SALE

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**WHEREAS**, Ameriquest Mortgage Company, 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, July 15, 2004**, 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:

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**PROPERTY ADDRESS:** 317 Rose Street, Nashville, TN 37210

**CURRENT OWNER(S):** Troy Wayne Allen

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**SUBORDINATE LIENHOLDERS:** Union Planters Bank, NA, Westfield Insurance Company

**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 Jennifer T. Wilson
Morris, Schneider & Prior, L.L.C.
1587 Northeast Expressway
Atlanta, GA 30329
(770) 234-9181 (ext. 1273)
MSP File No.: 333.0409115TN
Insertion Dates: 06/24/04, 07/01/04, 07/08/04

DS

STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
EMPLOYMENT SECURITY DIVISION

Legal Office
Andrew Johnson Tower, 2nd Floor
710 James Robertson Parkway
Nashville, Tennessee 37243-0661
(615) 741-3170
(615) 532-7386 FAX

Exhibit "B"

June 29, 2004

Ms. Jennifer T. Wilson
Morris, Schneider & Prior, L.L.C.
1587 Northeast Expressway
Atlanta, GA 30329

RE: Property of Troy Wayne Allen dba Troy's Graphic Arts & Bob Smith Signs
TDLWD Acct. #485-017
TDLWD Lien #4-3056 (Davidson County)
MSP #333.0409115TN
Notice of Substitute Trustee's Sale

Dear Ms. Wilson:

Your letter of June 16, 2004, is acknowledged, along with the attendant Notice of Substitute Trustee's Sale, 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 $683.28.

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:PDR

cc: James A. Matheney, Central Office

04091STN dco

DJ

**REVENUE ENFORCEMENT DIVISION**

**PHIL BREDESEN**
**Governor**

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

**LOREN L. CHUMLEY**
**Commissioner**

June 23, 2004

Exhibit "B"

Jennifer T. Wilson
Morris, Schnedier and Prior
3300 N E Expressway, Bldg 8
Atlanta, GA 30341

Re: Foreclosure Sale of Property Owned by: **Troy & Brenda Allen**
Entity Number: **004 412869751**

Dear Ms. Wilson:

This is in reference to your letter dated June 16, 2004 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. Excess proceeds, if any, should be sent to the attention of the Special Procedures Unit at P.O. box 190665 Nashville, TN 37219-0665. The amount of taxes, penalties and interest that is due as of **July 15, 2004** is **$9,431.45**.

After the sale, (and within 15 days), please furnish me with **an accounting of the sale** (closing statement), and I will release the State's tax lien on the property sold. If the sale is canceled, please advise this office with a brief explanation. 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*