FILE NO.: 221.0609177TN\SAT
LOAN NO.: 0008402455\CONV

Davidson County DEEDTRS
Recvd: 01/18/07 10:36 7 pgs
Fees:38.00 Taxes:148.38
20070118-0007329

**THIS INSTRUMENT PREPARED BY & RETURN TO:**
**Priority Trustee Services of TN, L.L.C.**
1587 N.E. Expressway
Atlanta, GA 30329

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated June 25, 1999 and recorded in the Register's Office of Davidson County, TN, at Book 11555, Page 99, ("Deed of Trust")Tommy Mitchell and Karen Mitchell conveyed to T. Michael Logan, 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, **SunTrust Bank,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Book 200701030001184** 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 12/7/06, 12/14/06, 12/21/06, in THE NASHVILLE RECORD, by which advertisement the sale was held on January 04, 2007, 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 20060418, Page 0044204. 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, 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 **SunTrust Bank**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $40,102.84; 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 SunTrust Bank 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 **SunTrust Bank**, its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of TN:

LEGAL DESCRIPTION: LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF DAVIDSON, AND STATE OF TENNESSEE AND BEING DESCRIBED IN A DEED DATED 7/26/96, AND RECORDED 8/02/96, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS: BOOK 10142 PAGE 777. A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT: LAND IN DAVIDSON COUNTY, TENNESSEE, BEING PART OF LOT NO.32 ON THE PLAN OF TRINITY HEIGHTS ADDITION, AS OF RECORD IN BOOK 161, PAGE 38, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. THE WESTERLY HALF OF LOT NO. 32 ON THE PLAN OF TRINITY HEIGHTS ADDITION HAS BEEN RELEASED FROM THE DEED OF TRUST AT BOOK 11555, PAGE 99 BY A PARTIAL RELEASE OF LIEN RECORDED AT INSTRUMENT NO. 20050216-0017728. BEING THE SAME PROPERTY CONVEYED TO TOMMY MITCHELL FROM THOMAS A. STUBBERG RECORDED IN BOOK 10142 AT PAGE 777, AND CORRECTED BY SCRIVENER'S AFFIDAVIT AT INSTRUMENT NO. 20050124-0008539 IN DAVIDSON COUNTY RECORDS. 5. RECORDING DATE; 8/02/96 EXECUTION DATE: 7/26/96

The last recorded Warranty Deed was filed of record at Book 10142, Page 777 in the Register's Office of Davidson County, TN.

FILE NO.: 221.0609177TN\SAT
LOAN NO.: 0008402455\CONV

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 **SunTrust Bank**, 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 04th day of January, 2007.

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

STATE OF GEORGIA

COUNTY OF DEKALB

On this 04th day of January, 2007, 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 State of Georgia
DeKalb County
My Commission expires April 12, 2008

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 $40,102.84, 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 04TH DAY OF JANUARY 2007.

Robin M. Walker
Notary Public State of Georgia
DeKalb County
My Commission expires April 12, 2008

Notary Public

My Commission Expires: _____

**FNF No.: 221.0609177TN (Mitchell)**
**Lender Loan No.: 0008402455**
**Property Address: 329 Marshall Street, Nashville, TN 37207**
**Tax Parcel ID No.: 71-11';112.00**

Mail Tax Notices To and Property Owner:

SunTrust Mortgage, Inc.
P O Box 27767
Richmond, VA 23261

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

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


November 28, 2006

**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:** **221.0609177TN**
**Lender Loan No.:** **0008402455**
**Name Per Client:** **Tommy Mitchell and Karen Mitchell**
**Property Address:** **329 Marshall Street**
**Nashville, TN 37207**

Dear Sir or Madam:

I am writing to advise you in accordance with 26 U.S.C. 7425 that SunTrust Mortgage, Inc. has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on January 4, 2007. 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 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 Book 20060418, Page 0044204.

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: Tommy D. & Karen D. Mitchell. 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 $ 37,322.63. Interest through the sale date is approximately 1078.27. 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***

EXHIBIT A

***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.**

sathompson

Enclosures
cc: SunTrust Mortgage, Inc.

## 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 25, 1999, by Tommy Mitchell and Karen Mitchell to T. Michael Logan, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Book 11555, Page 99, ("Deed of Trust"); and

**WHEREAS**, SunTrust Bank, 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, **January 4, 2007** (having been postponed from the previous sale date of June 22, 2006), commencing at **12:00 PM** at the corner of Fifth and Broadway at the Main Entrance to the Gaylord Entertainment Center of Davidson County, 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:

LEGAL DESCRIPTION:

LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF DAVIDSON, AND STATE OF TENNESSEE AND BEING DESCRIBED IN A DEED DATED 7/26/96, AND RECORDED 8/02/96, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS: BOOK 10142 PAGE 777.

A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING PART OF LOT NO.32 ON THE PLAN OF TRINITY HEIGHTS ADDITION, AS OF RECORD IN BOOK 161, PAGE 38, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. THE WESTERLY HALF OF LOT NO. 32 ON THE PLAN OF TRINITY HEIGHTS ADDITION HAS BEEN RELEASED FROM THE DEED OF TRUST AT BOOK 11555, PAGE 99 BY A PARTIAL RELEASE OF LIEN RECORDED AT INSTRUMENT NO. 20050216-0017728.

BEING THE SAME PROPERTY CONVEYED TO TOMMY MITCHELL FROM THOMAS A. STUBBERG RECORDED IN BOOK 10142 AT PAGE 777, AND CORRECTED BY SCRIVENER'S AFFIDAVIT AT INSTRUMENT NO. 20050124-0008539 IN DAVIDSON COUNTY RECORDS.

5. RECORDING DATE; 8/02/96 EXECUTION DATE: 7/26/96

**PROPERTY ADDRESS:** 329 Marshall Street, Nashville, TN 37207

**CURRENT OWNER(S):** Tommy Mitchell and Karen Mitchell

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: Book 20060418, Page 0044204. Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

**SUBORDINATE LIENHOLDERS:** SunTrust Bank

Discover Bank

**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 sathompson
Morris, Schneider & Prior, L.L.C.
1587 Northeast Expressway
Atlanta, GA 30329
(770) 234-9181 (ext. )
MSP File No.: 221.0609177TN
Insertion Dates: 12/7/06, 12/14/06, 12/21/06





# Track Shipments

**Track Packages & Freight** **Quantum View** **Flex Global View**

**Tracking Summary** Printer Friend

| | |
|---|---|
| **Tracking Number:** | 1Z 38W 7A2 01 9931 684 7 |
| | → View package progress |
| Type: | Package |
| Status: | **Delivered** |
| Delivered on: | 11/29/2006 9:39 A.M. |
| Delivered to: | NASHVILLE, TN, US |
| Signed by: | DAVE |
| Service Type: | NEXT DAY AIR |

Tracking results provided by UPS: 01/12/2007 7:03 A.M. EST (USA)

Printer Friendly

**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tenc for you to UPS for delivery and for no other purpose. Any other use of UPS tracking syste information is strictly prohibited.

**Find Answers to Your Tracking Questions**

→ Go to Tracking FAQ



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EXHIBIT B.