PREPARED BY AND RETURN TO:
Joe M. Kirsch, Attorney
6055 Primacy Parkway, Suite 410
Memphis, TN 38119
901-767-5566
Fax: 901-761-5690

Davidson County DEEDTRS
Recvd: 01/25/07 09:15 3 pgs
Fees:18.00 Taxes:873.20
20070125-0010068

Name: Verne Benke,
S&K#: 06-3257

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated December 20, 2004, recorded in Instrument number 20050201-0011534 in the Register's Office of Davidson County, Tennessee, Vern V. Benke and wife Linda D. Benke, conveyed to Chicago Title Insurance Company, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and,

WHEREAS, the holder of the debt secured appointed the undersigned as Substitute Trustee by Instrument of record in Instrument No. 20070104-0001616 in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS in pursuance of said request by said beneficiary, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of sale Deed of Trust by which advertisement the sale was appointed to be held on January 22, 2007, at the Davidson County Courthouse in Nashville, Tennessee, at 10:00 AM; and,

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which time the said property was struck off and sold to Josephine Phelps and husband, Roy Smith whose address is 278 Wallace Road, Nashville, TN 37211, at and for the sum of $236,000.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, Josephine Phelps and husband, Roy Smith has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by Josephine Phelps and husband, Roy Smith, the sum of money so paid, receipt of which is hereby acknowledged, the undersigned, Shapiro & Kirsch, LLP., as Substitute Trustee, does hereby grant, bargain, sell and convey to the said Josephine Phelps and husband, Roy Smith, their heirs, successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Antioch, County of Davidson, State of Tennessee, to-wit:

Described property located in Davidson County, Tennessee, and being more particularly described as follows:

Beginning at a point in the centerline of Smith Springs Road, said point being 30 feet south of the southwest corner of an 50 foot easement for ingress and egress and the southeast corner of parcel 6; thence N 10 degrees 07 minutes E 470.56 feet to a point, thence N 79 degrees 53 minutes W 335.32 feet to a point; thence S 10 degrees 07 minutes W 85.74 feet to a point: thence N 79 degrees 53 minutes W 84.0 feet to a point; thence S 10 degrees 07 minutes W 392.50 feet to a point in the centerline of Smith Springs Road; thence with said center line N 78 degrees 08 minutes W 251.45 feet to the point of beginning.

This legal description is identical with that in Deed of Trust recorded in Instrument number 20050201-0011534, in the Register's Office of Davidson County, Tennessee.

The grantor received title to the above-captioned real estate by Deed of Trust of record in Instrument number 20050201-0011534, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Book 6804, Page 283, in the Register's Office for Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements, State and Federal tax liens.

This conveyance is subject to the right of the State of Tennessee to redeem the land as provided for in T.C.A. 67-1-1433 (c) (1). Attached hereto is a copy of said notice and letter of compliance.

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Josephine Phelps and husband, Roy Smith, their heirs, successors and assigns, in fee simple forever, to whom the said Shapiro & Kirsch, LLP., Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP., Substitute Trustee, has hereunto set his hand and seal on the date written below.

Shapiro & Kirsch, LLP.

D. Denise Griffin, An Authorized Agent

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 22 day of January, before me, a Notary Public, in and for said State and County, personally appeared D. Denise Griffin, with whom I am personally acquainted, and who, upon oath acknowledged to be an Authorized Agent of Shapiro & Kirsch, L.L.P. the within named bargainor, a limited liability partnership, and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Partnership.

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

6/29/2010
My commission expires:

Notary Public

CLAY SCHNADELBACH STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. JUNE 29, 2010

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $236,000.00 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 the 23rd, day of January, 2007.

Notary Public
MCE: 11/30/09

MICHELLE W. LOCKE STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

PROPERTY ADDRESS: 3228 Smith Springs Road, Antioch, TN 37013

RETURN TO:
PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Josephine Phelps and husband, Roy Smith
278 Wallace Road, Nashville, TN 37211

S & K #:06-3257
Map & Parcel – 15100000700

PREPARER'S NOTE: IT IS THE GRANTEE'S RESPONSIBILITY TO RECORD THIS INSTRUMENT. FAILURE TO DO SO MAY ADVERSELY AFFECT TITLE OR INTEREST.

06-3257

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

December 28, 2006

Joe M. Kirsch
Shapiro & Kirsch, LLP
6055 Primacy Parkway, Suite 410
Memphis, TN 38119

Re: Foreclosure Sale of Property Owned by: **Vern V Benke, Jr.**
Entity Number: **002 276460081**

Dear Mr. Kirsch:

This is in reference to your letter dated December 19, 2006 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 **January 22, 2007** is **$52,336.03**. *(Please be advised that if the scheduled sale is cancelled or postponed for any reason, notice must be submitted in writing if the sale is to be continued).*

After the sale, (and within 15 days), please furnish me with **an accounting of the sale** (form enclosed), 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/enc

c: *file*