RECEIVED — 662992
JUN - 6 2008
Dav. Co. Chancery Court

THE CHANCERY COURT OF DAVIDSON COUNTY

STATE OF TENNESSEE

FILED
2008 JUN 17 PM 12:15
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

Davidson County ORDER
Recvd: 07/02/08 14:20 5 pg
Fees:27.00 Taxes:0.00
20080702-0068534

WELLS FARGO BANK, N.A. as TRUSTEE FOR THE ASSET BACKED FUNDING CORPORATION ASSET BACKED CERTIFICATES, SERIES 2007-NC1,	
Plaintiff,	FO-4
v.	CIVIL ACTION FILE NO. 08-495-II
GEORGE M. McGEE and JACQUE MCGEE,	
Defendants.	

ORDER AND DEFAULT JUDGMENT

This cause came to be heard on the 6th day of June, 2008 on the Plaintiff's Motion for Default Judgment.

Based upon the pleadings, the Plaintiff's Motion for Default and Brief in Support thereon, and the record as a whole, the Court finds as follows:

Wells Fargo Bank N.A., as Trustee for the Asset Backed Funding Corporation Asset Backed Certificates, Series 2007-NC1 ("Wells Fargo") filed its Complaint to Set Aside Foreclosure Sale (the "Complaint") on February 29 2008. The

Defendant, George McGee was served by personal service on March 11, 2008. The Defendant, Jacque McGee was served by valid substitute service on March 11, 2008. The Defendants have not filed an answer to the Complaint within the time allowed by law, and Plaintiff is entitled to verdict and judgment against the Defendants.

Plaintiff is entitled to judgment as if every item and paragraph of the Complaint were supported by proper evidence.

All legal prerequisites to the bringing of this action and ordering the relief sought by the Plaintiff, as stated in the Complaint have been met or waived by the Defendants' default.

Plaintiff has moved this Court to enter a default judgment against the Defendants as a result of their failure to answer the Complaint filed in the above captioned matter.

On or about January 9, 2007 Defendants executed and delivered a Promissory Note in favor of New Century Mortgage Corporation("New Century") in the principal amount

of $330,000.00

To secure the indebtedness evidenced by the Note, Defendants George McGee and Jacque McGee executed and delivered a Deed of Trust (the "Deed of Trust") to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for New Century Mortgage Corporation, as beneficiary conveying a first priority security interest in certain real property commonly known as 4832 Brick Church Pike, Goodlettsville, Tennessee 37072 and more particularly described therein (the "Property").

The Deed of Trust was subsequently transferred and assigned to Wells Fargo.

Defendants defaulted under the terms of the Note and the Deed of Trust by failing to make payments of the indebtedness as and when due and on December 20, 2007, the Property was offered for sale in accordance with the laws of the State of Tennessee and the terms and provisions of the Deed of Trust at the courthouse in Davidson County, Tennessee, to the highest bidder for cash.

At the auction, the Property was knocked down and sold

to Wells Fargo, the highest bidder, for a bid of $278,910.00.

On or about December 20, 2007, the Substitute Trustee, Nationwide Trustee Services Inc., executed and delivered a Substitute Trustee's Deed (the "Substitute Trustee's Deed") conveying the legal title of the Property to Wells Fargo

The Plaintiff has requested an Order and judgment from this court declaring the foreclosure sale held on December 20, 2007, void and of no effect.

The Plaintiff further requests an Order and judgment from this court declaring that any deed executed pursuant to the foreclosure sale null and void.

Plaintiff further requests an Order and judgment from this court declaring the Deed of Trust held by Plaintiff reinstated, that the Deed of Trust remains a lien against the Property and that the parties thereto have the same rights and remedies as though the foreclosure sale never occurred.

THEREFORE, it is ordered and adjudged:

(a) That the foreclosure sale held on December 20, 2007 is void and of no effect;

(b) That the Substitute Trustee's Deed or any deed executed pursuant to the foreclosure sale is null and void;

(c) That the Deed of Trust held by Plaintiff is reinstated, the Deed of Trust remains a lien against the Property, and the parties thereto have the same rights and remedies as though the foreclosure sale never occurred;

(d) That default judgment is entered against Defendants George McGee and Jacque McGee.

(e) That a certified copy of this Order shall be recorded in the office of the Register of Deeds of Davidson County without any further delay

(f) Costs are taxed to Wells Fargo. (clw)

ENTERED this ___ day of _____, 2008.

Carol L. McCoy

CHANCELLOR, Carol L. McCoy
Chancery Court of Davidson County

APPROVED FOR ENTRY:

Rick Piliponis, Esq.
B.P.R.16249
146 Third Avenue, South
Nashville, TN 37201
Attorney for Plaintiff, in appearance
0723492TN/A4912327

COPIES TO ATTORNEYS AND PRO SE LITIGANTS
AT THE ABOVE ADDRESSES
DATE 6-19-08 BY [illegible]

I HEREBY CERTIFY THIS IS A TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE.
THIS [illegible] DAY OF [illegible] 2008
CRISTI COLE, CLERK & MASTER
BY [illegible] DEPUTY