Davidson County DEEDTRS
Recvd: 10/29/08 15:29 5 pgs
Fees:28.00 Taxes:455.56
20081029-0108102

Prepared by and Return to:
Patrick Taggart/hrylee 10/23/2008
McCurdy & Candler, L.L.C.
250 East Ponce DeLeon Avenue, Suite 600
Decatur, GA 30030

# SUBSTITUTE TRUSTEE'S DEED

GMAC Mortgage Corporation
File No. 08-19951 /Virgil Gordon

Tennessee, Davidson County

WHEREAS, by Deed of Trust dated November 10, 2006, and recorded in the Register's Office of Davidson County, Tennessee, on November 17, 2006 at Instrument No. 200611170143360, ("Deed of Trust"), Virgil Gordon conveyed to M. Todd Jackson, Trustee, 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, the beneficial interest of said Deed of Trust was last transferred and assigned to Mortgage Electronic Registration Systems, Inc.; and

WHEREAS, Mortgage Electronic Registration Systems, Inc., being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record in Instrument No. 200810100102697, 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 The Nashville Record - Davidson in conformity with the laws of Tennessee and the terms and provisions of said Deed of Trust on 9/26/2008, 10/3/2008, and 10/10/2008. The sale was held on October 23, 2008, in Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, at the time and place mentioned in said advertisement, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale GMAC Mortgage, LLC, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $123,123.38; and

WHEREAS, the said owner and holder of the debt has assigned its interests in the said property to GMAC Mortgage, LLC, its 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;

WHEREAS, 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 at Instrument No. 200809020089340 Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

NOW, THEREFORE, in consideration of the premises and of the payment by GMAC Mortgage, LLC as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned Patrick A. Taggart, as Substitute Trustee, does hereby grant, bargain, sell and convey unto GMAC Mortgage, LLC, its successors and assigns, in fee simple forever, the following described property, to-wit:

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A"
ATTACHED HERETO AND MADE A PART HEREOF**

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 GMAC Mortgage, LLC, its successors and assigns, forever, to whom the said, Patrick A. Taggart, 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, Patrick Taggart, has hereunto executed, on October 23, 2008.

Patrick Taggart
Substitute Trustee

STATE OF GEORGIA
COUNTY OF DEKALB

On October 23, 2008, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared, Patrick A. Taggart, Substitute Trustee, the within named bargainor, with whom I am personally acquainted (or proved on the basis of satisfactory evidence), and who, upon oath, acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

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

OFFICIAL SEAL
CATHERINE COLLYMORE
NOTARY PUBLIC, NEWTON COUNTY, GA
MY COMMISSION EXPIRES FEB. 19, 2012

Notary Public

My Commission Expires:

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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 $123,123.38, 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 October 23, 2008.

Notary Public

OFFICIAL SEAL
CATHERINE COLLYMORE
NOTARY PUBLIC, NEWTON COUNTY, GA
MY COMMISSION EXPIRES FEB. 19, 2012

Mail Tax Notices to and Property Owner:
GMAC Mortgage, LLC
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120

**Map & Parcel No.: 91-4A-2CO**
**Property Address: 1034-B North 40th Street**
**Nashville, TN 37209**

**Exhibit "A"**

Land in Davidson County, Tennessee, being Unit B on the plan of V. Gordon Townhomes at 40th, as established under Master Deed of Record in Instrument No. 20061011-0126477, Registers Office for Davidson County, Tennessee, to which Master Deed Reference is hereby made for more particular description of said lot.

Being the same property conveyed to Virgil Gordon by Warranty Deed from Deron Fuqua, married, recorded on the 1st day of August, 2005 in Instrument No. 20050801-00089353, in the Registers Office of Davidson County, Tennessee.

LAW OFFICES
**McCURDY&CANDLER, L.L.C.**

SUITE 600
250 EAST PONCE DE LEON AVENUE
DECATUR, GEORGIA 30030
TELEPHONE 404-373-1612

MAILING ADDRESS:

P.O. BOX 57
DECATUR, GEORGIA 30031

JULIUS A. McCURDY (1903-1993)
SCOTT CANDLER, JR. (1926-1994)
J. ROBIN HARRIS (1925-1989)

JOHN WALTER DRAKE
ALAN E. RAUBER
JOHN C. SAMMON
ANTHONY DEMARLO
SCOTT CANDLER, III
CLARK E. CANDLER
EDNA E. HAWES
SIDNEY A. GELERNTER *
DONALD C. SUESSMITH, Jr.
CHRISTIE G. HENNINGS

J. MICHAEL DUGAN *
DEBORAH Y. CHANDLER
FRANK R. OLSON *
TONYA M. KING
A. BRETT VERNER
LAURA A. GRIFKA
C. ELIZABETH JONES
JOHN D. ANDRLE
PATRICK N. TAGGART *
C. ERIC BURKETT

OF COUNSEL
REBECCA A. HOELTING
MARGARET C. COURTRIGHT

FRANK J. RHODES, JR
H. RAIFORD HODGES, JR. (RETIRED)

*ALSO ADMITTED IN TENNESSEE

BANKRUPTCY DEPT. TELECOPIER 404-370-7237
FORECLOSURE DEPT. TELECOPIER 404-370-7232
POST-FORECLOSURE DEPT. TELECOPIER 404-214-5245

WEBSITE:
www.mccurdycandler.com

September 19, 2008

Donora Adcox
Department of Revenue
Special Procedures
500 Deadrick Street, 4th Floor
Nashville, TN 37242

RE: Our File No.: 08-19951
Loan No.: 0359422283
Borrower Name: Virgil Gordon
Property Address: 1034-B North 40th Street
Nashville, TN 37209

Dear Sir or Madam:

Our firm is in the process of foreclosing a Deed of Trust on the property at Davidson County, Tennessee, a copy of the legal description being attached herewith. The present owner(s) of record is/are Mary Gordon .

Our examination of the records in Davidson County, Tennessee, reveals that there is of record a State Tax Lien. For your identification, I am attaching copies of the above-referenced tax lien.

The Deed of Trust to be foreclosed by public sale was executed by Virgil Gordon to GreenPoint Mortgage Funding, Inc. on November 10, 2006 in the principal amount of $102,000.00 at 7.62500 percent interest. The amount due on the day of foreclosure is approximately $114,083.00. The per diem amount is $0.00. Estimated fees and costs of foreclosure are $1,500.00. The foreclosure will take place on October 23, 2008 . The sale will be for cash.

This notice is being submitted in duplicate and I would appreciate your indicating the date and time received on the duplicate copy and returning it to the undersigned at the following address:

P.O. Box 57
Decatur, GA 30031

Yours very truly,
McCurdy & Candler, L.L.C.

*Patrick A. Taggart*

BY: Patrick A. Taggart

LG/hrylee
Enclosures

**SUBSTITUTE TRUSTEE'S SALE**

TENNESSEE, DAVIDSON COUNTY

**WHEREAS** default having been made in the payment of the indebtedness, secured by a Deed of Trust executed by Virgil Gordon to M. Todd Jackson, Trustee dated November 10, 2006 in the amount of $102,000.00, and recorded in the Register's Office of Davidson County, Tennessee in Instrument No. 200611170143360, ("Deed of Trust");

**WHEREAS** the beneficial interest of said Deed of Trust was last transferred to Mortgage Electronic Registration Systems, Inc. by assignment; and

**WHEREAS** Mortgage Electronic Registration Systems, Inc. the current owner and holder of said Deed of Trust (the "Owner and Holder"), appointed the undersigned, Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka, 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 amount of said indebtedness has been declared due as provided in said Deed of Trust by the Owner and Holder, and the undersigned Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka, Substitute Trustee, or a duly appointed attorneys or agents, by virtue of the power and authority vested in the Appointment of Substitute Trusee, will on Thursday, October 23, 2008 commencing at 12:00 PM at 501 Broadway at the front of Sommet Center, formerly known as Gaylord Entertainment Center, Nashville, Tennessee; proceed to sell at public outcry to the highest bidder for cash, the property described in said deed to-wit:

Land in Davidson County, Tennessee, being Unit B on the plan of V. Gordon Townhomes at 40th, as established under Master Deed of Record in Instrument No. 20061011-0126477, Registers Office for Davidson County, Tennessee, to which Master Deed Reference is hereby made for more particular description of said lot.

Being the same property conveyed to Virgil Gordon by Warranty Deed from Deron Fuqua, married, recorded on the 1st day of August, 2005 in Instrument No. 20050801-00089353, in the Registers Office of Davidson County, Tennessee.

Map & Parcel No.: 91-4A-2CO

**PROPERTY ADDRESS:** 1034-B North 40th Street, Nashville, Tennessee 37209
**CURRENT OWNER(S):** Mary Gordon
**SUBORDINATE LIENHOLDERS:** Countrywide Financial Corporation, Precision Plumbing Company, Inc., Michael Christian dba Michael Christian Construction
**OTHER INTERESTED PARTIES:** Tennessee Department of Revenue, GreenPoint Mortgage Funding, Inc.

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. 200809020089340 Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

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 sale will be held subject to any unpaid taxes, assessments, rights-of-way, easements, protective covenants or restrictions, liens. and other superior matters of record which may affect said property; as well as any prior liens or encumbrances as well as priority created by a fixture filing; and/or any matter that an accurate survey of the premises might disclose.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed.

Notice has been given of intention to collect attorneys' fees in accordance with the terms of the note secured by said deed.

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.

Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka
McCurdy & Candler, L.L.C.
(404) 373-1612
www.mccurdycandler.com
File No. 08-19951 /CONV
Ad Run Dates: 9/26, 10/3, 10/10
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.