FILE NO.: 560.0501566TN\ALG

BILL GARRETT, Davidson County
Trans:T20090023678 DEEDTRS
Recvd: 04/09/09 10:06 7 pgs
Fees:38.00 Taxes:260.94
20090409-0032344

THIS INSTRUMENT PREPARED BY & RETURN TO:
Nationwide Trustee Services, Inc.
1587 N.E. Expressway
Atlanta, GA 30329

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated June 16, 2004 and recorded in the Register's Office of Davidson County, TN, at Instrument 20040622-0073952, ("Deed of Trust")James E Martin conveyed to Arnold M. Weiss, Attorney, 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 Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5; and

WHEREAS, **Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument 20090320-0025111** 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 March 6, 13 and 20, 2009, in THE NASHVILLE RECORD, by which advertisement the sale was held on April 02, 2009, at the corner of Fifth and Broadway at the Main Entrance to the Sommet Center F/K/A Gaylord Entertainment Center in Nashville, Davidson County, TN, 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 20090130, Page 0007951. 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, Phil Young, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale **Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $70,524.42; 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 Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5 as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **Nationwide Trustee Services, Inc.**, as Substitute Trustee, does hereby grant, bargain, sell and convey unto **Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5**, its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of TN:

Located in the 60A-08950 Civil District of Davidson County, Tennessee Being Lot No. 11 on the Plan of Sharpe Park, as of record in Book 2330, Page 105, (as incorrectly stated in prior deeds of record) of the Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description. Being the same property conveyed to James Martin, a single person, by deed dated 12/20/88, from Otto Adkerson and wife, Paula Anthony, of record in Book 7735, Page 244, in the Register's Office of Davidson County, Tennessee.

The last recorded Warranty Deed was filed of record at Instrument 7735, Page 244 in the Register's Office of Davidson County, TN.

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 **Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5**, its successors and assigns forever, to whom the said, **Nationwide Trustee Services, Inc.**, 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, **Nationwide Trustee Services, Inc.**, Substitute Trustee, has hereunto set his hand, this 02nd day of April, 2009.

Nationwide Trustee Services, Inc.
Substitute Trustee

STATE OF GEORGIA

COUNTY OF DEKALB

On this 02nd day of April, 2009, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Germaine Duncan, 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 **Nationwide Trustee Services, Inc.**, 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 corporation by himself or herself as such officer or member.

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

Ronald Key
Notary Public

RONALD KEY NOTARY PUBLIC GWINNETT COUNTY, GA Exp. Nov. 28, 2010

My Commission Expires: 11-28-2010

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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 $70,524.42, 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 02ND DAY OF APRIL 2009.

Ronald Key
Notary Public

RONALD KEY NOTARY PUBLIC GWINNETT COUNTY, GA Exp. Nov. 28, 2010

My Commission Expires: 11-28-2010

File No.: 560.0501566TN (Martin)
Property Address: 62 Lyle Lane, Nashville, TN 37210
Tax Parcel ID No.: 106-15-0-012.00

Mail Tax Notices To and Property Owner:

HomeEq Servicing Corp
Default Cash/Suite 200
North Highlands, CA 95660

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 16, 2004, by James E Martin to Arnold M. Weiss, Attorney, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Instrument 20040622-0073952, ("Deed of Trust"); and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned to Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5; and

WHEREAS, Wells Fargo Bank, NA as Trustee under Pooling and Servicing Agreement dated as of October 1, 2004 Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed certificates, series 2004-WMC5, the current owner and holder of said Deed of Trust, (the "Owner and Holder"), appointed the undersigned, Nationwide Trustee Services, Inc., 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, Nationwide Trustee Services, Inc., Substitute Trustee, or his duly appointed attorneys or agents, by virtue of the power and authority vested in him, will on Thursday, **April 2, 2009**, commencing at at the corner of Fifth and Broadway at the Main Entrance to the Sommet Center F/K/A 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:
Located in the 60A-08950 Civil District of Davidson County, Tennessee

Being Lot No. 11 on the Plan of Sharpe Park, as of record in Book 2330, Page 105, (as incorrectly stated in prior deeds of record) of the Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description. Being the same property conveyed to James Martin, a single person, by deed dated 12/20/88, from Otto Adkerson and wife, Paula Anthony, of record in Book 7735, Page 244, in the Register's Office of Davidson County, Tennessee.

PROPERTY ADDRESS: 62 Lyle Lane, Nashville, TN 37210

CURRENT OWNER(S): James Martin

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 2009013000079, Page 51. 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: Collins Financial Services, Inc. and Rogers Group, Inc.

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.

Exhibit A

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.

Nationwide Trustee Services, Inc., Substitute Trustee
c/o Amy Gonzalez
Prommis Solutions, LLC on behalf of Nationwide Trustee Services, Inc.
1587 Northeast Expressway
Atlanta, Ga 30329
(770) 234-9181 (ext.)
File No.: 560.0501566TN
Insertion Dates: March 6, 13 and 20, 2009

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR
PRINTING IN THIS DOCUMENT
UNSATISFACTORY WHEN RECEIVED



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

March 10, 2009

Ms. Amy Gonzalez
Nationwide Trustee Services, Inc.
1587 Northeast Expressway
Atlanta, GA 30329

Re: Foreclosure Sale of Property Owned by: **James L Martin**
Entity Number: **002 306501048/000**
NTSI File Number: **560.0501566TN**

Dear Ms. Gonzalez:

This is in reference to your letter dated March 6, 2009 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 **April 2, 2009** is **$530.06**. *(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,

Donera Adcox, Account Tech I
Special Procedures Section
Revenue Enforcement Division

DA/enc

c: *file*

exhibit B

NATIONWIDE TRUSTEE SERVICES, INC.

SUBSTITUTE TRUSTEE
1587 NORTHEAST EXPRESSWAY
ATLANTA, GA 30329
(770) 234-9181
FAX (770) 234-9192

March 5, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Copy Via Regular Mail

Donera Adcox
Department of Revenue
Tax Enforcement Division
P.O. Box 190665
Nashville, TN 37219-0865

Re: **Notice of State Tax Lien/Consent to Sell**
File Number: 560.0501566TN
Name Per Client: James E Martin
Property Address: 62 Lyle Lane
Nashville, TN 37210

Dear Sir or Madam:

I am writing to advise you in accordance with T.C.A. 67-1-1433 that HomeEq Servicing Corp has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on April 2, 2009. 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 Instrument 200901300007951.

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: James Martin.

The unpaid principal balance of the loan against the above-referenced property is approximately $ 57,262.98. Interest through the sale date is approximately 74.07. Costs and attorneys' fees associated with the sale should be approximately $1,500.00.

Exhibit B cont'd

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,
Prommis Solutions, LLC on behalf of
Nationwide Trustee Services, Inc.

Amy Gonzalez

Enclosures
cc: HomeEq Servicing Corp