**RECORDING LEGEND**

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

**GRANTOR(s)**
**Rashiem S. Smith and Latonya R. Gardner**

**GRANTEE(s)**
**The Secretary of Housing and Urban Development, his/her successors and/or assigns**

This Instrument Prepared By:
*Robert M. Wilson, Jr.*
***WILSON & ASSOCIATES, P.L.L.C.***
1521 Merrill Drive, Suite D-220
Little Rock, Arkansas 72211
(501) 219-9388

BILL GARRETT, Davidson County
Trans:T20090039059 DEEDTRS
Recvd: 06/11/09 14:48 5 pgs
Fees:27.00 Taxes:0.00
20090611-0054410

# TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated October 20, 2005 and recorded October 26, 2005, as Instrument No. 20051026-0129304 in the Register's Office of Davidson County, Tennessee, Rashiem S. Smith and Latonya R. Gardner conveyed to Tonya Esquibel of Williamson County, Tennessee, as Trustee for Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for CTX Mortgage Company, LLC and CTX Mortgage Company, LLC's successors and assigns, 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 has appointed **SHELLIE WALLACE** as Successor Trustee and **MATTHEW SMITH** as Co-Trustee by instrument of record recorded on January 17, 2008 as Instrument No. 20080117-0005279 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 has requested said Successor Trustee to, upon proper advertisement and notice, sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, in pursuance of said request by said beneficiary, advertisement and notice of the sale identifying all interested parties of said property was made and given conformity with the terms and provisions of said Deed of Trust, and Tenn. Code Ann. Sec. 35-5-104; and

WHEREAS, pursuant to said advertisement and notice, on December 31, 2008 at the The Sommet Center in Nashville, Tennessee, 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 Wells Fargo Bank, NA, at and for the sum of $131,381.08, that being the highest and best bid offered; and

WHEREAS, the said Wells Fargo Bank, NA has assigned its interest in said property to The Secretary of Housing and Urban Development, his/her successors and/or assigns; and

WHEREAS, the purchaser has complied with the terms of the sale by paying into the hands of the undersigned Successor Trustee the expenses of the sale with the balance being applied upon said indebtedness for which said property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by Wells Fargo Bank, NA of the sum of money so paid, receipt of which is hereby acknowledged, the undersigned Successor Trustee does hereby grant, bargain, sell, and convey to The Secretary of Housing and Urban Development, his/her successors and/or assigns, the property above mentioned and now further described as being inDavidson County, Tennessee, to wit:

> Being Unit No. 131 on the plan of Phase One, Providencetown, a Horizontal property Regime with Private Elements of record in instrument No. 20031119-0618785 Exhibit A-1 Register's Office for Davidson County Tennessee, to w which plan reference is hereby made for a complete and accurate description thereof.
>
> Being the same property conveyed to Rashiem S. Smith, an unmarried man, and Latonya R. Gardner, an unmarried woman by Deed from Centex Homes, a Nevada General Partnership recorded of record in instrument no. 20051026-0129303, Register's Office for Davidson County Tennessee.

Commonly known as: 5861 Monroe Crossing, Antioch, Tennessee 37013.

Tax Parcel No.: 163160A03100

TO HAVE AND TO HOLD the said real property above described, together with the privileges and

appurtenances and hereditaments thereunto belonging or in any way appertaining unto The Secretary of Housing and Urban Development, his/her successors and/or assigns.

IN WITNESS WHEREOF, the said Co-Trustee has hereunto set his or her hand and seal this 4 day of Jan, 09.

Matthew Smith, Co-Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Matthew Smith, as Co-Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Co-Trustee for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 4 day of Jan, 09.

Melissa G. Peresko
Notary Public

My Commission Expires: MELISSA G. PERESKO Notary Public-Arkansas Pulaski County My Commission Expires 09-08-2014

FORM FOR OATH

I hereby swear and affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $131,381.08, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale. However, the grantee(s) are exempt from any and all transfer taxes.

Matthew Smith, Co-Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Matthew Smith, as Co-Trustee, with who I am personally acquainted, and whom acknowledged that such person executed the foregoing Form for Oath for the purposes therein contained.

Witness my hand and seal at office in Little Rock this 4 day of Jan, 09.

Melissa G. Peresko
Notary Public

My Commission Expires: MELISSA G. PERESKO Notary Public-Arkansas Pulaski County My Commission Expires 09-08-2014

**PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
U.S. Department of Housing and Urban Development
c/o Pyramid Real Estate Services
616 Marriott Drive, Suite 300
Nashville, Tennessee 37214

FHA No. 483-3596699

# EXHIBIT "A"

## SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF Arkansas

COUNTY OF Pulaski

BEFORE ME, the undersigned authority, on this day personally appeared Matthew Smith, who after being duly sworn, deposed and stated:

1. I am the Co-Trustee with a certain deed of trust, dated October 20, 2005, recorded October 26, 2005, as Instrument No. 20051026-0129304 in the Register's Office of Davidson County, Tennessee, executed by Rashiem S. Smith and Latonya R. Gardner in favor of Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for CTX Mortgage Company, LLC and CTX Mortgage Company, LLC's successors and assigns to secure the payment of a deed of trust note to Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for CTX Mortgage Company, LLC and CTX Mortgage Company, LLC's successors and assigns.

2. Wells Fargo Bank, NA is the holder of or agent for the holder of the indebtedness secured by said deed of trust.

3. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were (1) not members of the Armed Forces of the United States of America and had not been members of any such entities for at least three (3) months prior to the date of the foreclosure sale the subject hereof or (2) were members Armed Forces of the United States of America at the time the security instrument was executed.

4. As such, foreclosure of this property will not be subject to the provisions of 50 U.S.C.S. §501, *et seq.* (the Servicemembers Civil Relief Act).

FURTHER AFFIANT SAYETH NOT.

DATED this 4 day of Jan, 09.

Matthew Smith

Affiant

ACKNOWLEDGMENT

STATE OF Arkansas

COUNTY OF Pulaski

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Matthew Smith, as Co-Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Co-Trustee for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 4 day of Jan, 09.

Melissa G. Perelsko
Notary Public

My Commission Expires:

MELISSA G. PERELSKO
Notary Public-Arkansas
Pulaski County
My Commission Expires 09-08-2014

FHA No. 483-3596699
DServiceMembersAffidavitTN_gmcnatt_081231_1643

Department of Defense Manpower Data Center OCT-17-2008 06:12:10

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Service/Agency |
|---|---|---|---|---|
| SMITH | RASHIEM | Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty. | | |

Department of Defense Manpower Data Center OCT-17-2008 06:12:33

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Service/Agency |
|---|---|---|---|---|
| GARDNER | LATONYA | Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty. | | |