**RECORDING LEGEND**

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

**GRANTOR(s)**
**Archie Armstrong and Jimmie D. Armstrong**

**GRANTEE(s)**
**Citifinancial Inc., a Tennessee Corporation**

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:T20090047855 DEEDTRS
Recvd: 07/16/09 08:41 7 pgs
Fees:37.00 Taxes:0.00
20090716-0066558

# TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated November 29, 2002 and recorded December 9, 2002, as Instrument No. 20021209-0151071 in the Register's Office of Davidson County, Tennessee, Jimmie Deloris Armstrong and Archie Armstrong conveyed to K Black, as Trustee for CitiFinancial, Inc., 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 by instrument of record recorded on June 10, 2009 as Instrument No. 20090610-0053627 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; said advertisement began on June 8, 2009 and was advertised a total of three times, prior to actual sale date; and

WHEREAS, pursuant to said advertisement and notice, on July 8, 2009 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 Citifinancial Inc., a Tennessee Corporation, at and for the sum of $43,466.86, that being the highest and best bid offered; 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 Citifinancial Inc., a Tennessee Corporation 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 said Citifinancial Inc., a Tennessee Corporation, its successors and assigns, the property above mentioned and now further described as being in Davidson County, Tennessee, to wit:

> All that certain parcel of land in the City of Nashville, Davidson County, State of Tennessee, as more fully described in Deed Book 5022, Page 313, ID#58.15-134, being known and designated as Lot 16, Plan of Creekwood North, filed in Plat Book 4675, Page 16 recorded 08/03/1973. This being the same property conveyed to Archie Armstrong and Jimmie Armstrong from Ervin M Entrekin, trustee, by deed dated 04/30/1976 and recorded 05/06/1976 in Book 5022, Page 313, **Davidson County Records, State of Tennessee.**
>
> Being the same property conveyed to Archie Armstrong and Jimmie D. Armstrong by Warranty Deed recorded May 6, 1976 , at Book 5022, Page 313, Register's Office for Davidson County, Tennessee.
>
> Commonly known as: 4140 Creekwood North Drive, Nashville, Tennessee 37218.
>
> Tax Parcel No.: 05815013400

The above-described property is conveyed subject to the rights of the State of Tennessee to redeem the property as provided for in §67-1-1433(c)(1).

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 Citifinancial Inc., a Tennessee Corporation, and unto its successors and assigns.

IN WITNESS WHEREOF, the said Successor Trustee has hereunto set his or her hand and seal this 10 day of July, 09.

Shellie Wallace
Successor 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, Shellie Wallace, as Successor Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Successor Trustee for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 10 day of July, 09.

Notary Public

My Commission Expires: MISTY M. SOBANSKI
Notary Public-Arkansas
Faulkner County
My Commission Expires 06-03-2015

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 $43,466.86, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Shellie Wallace
Successor 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, Shellie Wallace, as Successor Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the foregoing Form For Oath for the purposes therein contained.

Witness my hand and seal at office in AR this 10 day of July, 09.

Notary Public

My Commission Expires: MISTY M. SOBANSKI
Notary Public-Arkansas
Faulkner County
My Commission Expires 06-03-2015

**PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
Citifinancial Inc., a Tennessee Corporation
14415 South 50th Street, Suite 100
Phoenix, AZ 85044

# EXHIBIT "A"

## SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF Arkansas

COUNTY OF Pulaski

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

1. I am the Successor Trustee with a certain deed of trust, dated November 29, 2002, recorded December 9, 2002, as Instrument No. 20021209-0151071 in the Register's Office of Davidson County, Tennessee, executed by Jimmie Deloris Armstrong and Archie Armstrong in favor of CitiFinancial, Inc. to secure the payment of a deed of trust note to CitiFinancial, Inc..

2. Citifinancial Inc., a Tennessee Corporation 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 10 day of July, 09.

Shellie Wallace
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, Shellie Wallace, Successor Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Successor Trustee for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 10 day of July, 09.

Notary Public

My Commission Expires: _____

MISTY M. SOBANSKI
Notary Public-Arkansas
Faulkner County
My Commission Expires 06-03-2015

DServiceMembersAffidavitTN_sdjones_090709_ 904

Department of Defense Manpower Data Center APR-21-2009 06:25:41

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

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

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

/ILSON & ASSOCIATES, P.L.L.C.
:orneys at Law – Arkansas and Tennessee
1 Merrill Drive, Suite D-220
le Rock AR 72211
-219-9388
: 501-219-9458
:net: www.wilson-assoc.com

91 7108 2133 3935 4914 8313

June 10, 2009

Ms. Becky Tellas
Tennessee Department of Revenue
P.O. Box 190665
Nashville, Tennessee 37219-0665

RE: Jimmie Deloris Armstrong and Archie Armstrong
4140 Creekwood North Drive
Nashville, Tennessee 37218
W&A No. 787-156227

Dear Ms. Tellas:

Pursuant to the above-referenced nonjudicial foreclosure proceeding, enclosed are copies of the following documents:

1. Notice of Trustee's Sale;
2. Tennessee State Tax Lien; and
3. First and last pages from the Deed of Trust pertinent to the subject property.

By virtue of this letter, I am giving notice as required of a possible state tax lien filed against the Defendant, James Armstrong dba J.D.'s Used Tires, said lien being more particularly described in the enclosed Notice of Trustee's Sale.

Thank you for your consideration and attention to this matter. Should you have any questions, please do not hesitate to contact us.

Sincerely,

**WILSON & ASSOCIATES, P.L.L.C.**

Shellie Wallace

Enclosures
cc w/enc.: @@@@@ @@@@@ @@@@@

CtoStateTaxDeptreLienTN-NJ_jsanders_090610_1517

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

June 16, 2009

Ms. Shellie Wallace
Wilson & Associates, P.L.L.C.
1521 Merrill Dr., Suite D-220
Little Rock, AR 72211

Re: Foreclosure Sale of Property Owned by: **James Armstrong**
Entity Number: **002 408721398/000**
W&A Number: **787-156227**

Dear Ms. Wallace:

This is in reference to your letter dated June 10, 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 **July 8, 2009** is **$3,672.48**. *(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*