RECORDING LEGEND

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

GRANTOR(s)
Rasheed A. Balogun and wife, Idayat Balogun.

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:T20090060682 DEEDTRS
Recvd: 09/03/09 09:59 7 pgs
Fees:37.00 Taxes:0.00
20090903-0082885

TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated December 31, 1998 and recorded January 7, 1999, at Book 11287, Page 924 in the Register's Office of Davidson County, Tennessee, Idayat Balogun and Rasheed A. Balogun conveyed to Setco, as Trustee for Tucker Federal Bank D/B/A Prime Lending, 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 **MARIA NEUMANN** as Co-Trustee by instrument of record recorded on March 27, 2009 as Instrument No. 20090327-0027513 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 May 6, 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 M&T Bank, at and for the sum of $130,201.30, that being the highest and best bid offered; and

WHEREAS, the said M&T Bank 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 M&T Bank 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 in Davidson County, Tennessee, to wit:

Land in Davidson County, Tennessee, being Lot Number 38 on the Plan of Hickory Woods Estates, Section C, as of record in Plan Book 6900, pages 885, 886 and 887, Register's Office for Davidson County, Tennessee, to which plan reference is, hereby made for a more complete description thereof.

And being the same property conveyed to, Grantor(s) by deed from even date being recorded simultaneously herewith.

Being the same property conveyed to Rasheed A. Balogun and wife, Idayat Balogun, by Warranty Deed recorded January 7, 1999 , at Book 11287, Page 921, Register's Office for Davidson County, Tennessee.

Commonly known as: 6728 Birchbrook Drive, Antioch, Tennessee 37013.

Tax Parcel No.: 176 05 0A 021.00

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 The Secretary of Housing and Urban Development, his/her successors and/or assigns.

IN WITNESS WHEREOF, the said Successor Trustee has hereunto set his or her hand and seal this 16th day of May, 2009.

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 16th day of May, 2009.

Shellie R Chambers
Notary Public

My Commission Expires:

SHELLIE R. CHAMBERS
MY COMMISSION # 12347413
EXPIRES: April 5, 2016
Pulaski County

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 $130,201.30, 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.

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 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 16th day of May, 2009.

Shellie R Chambers
Notary Public

My Commission Expires:

SHELLIE R. CHAMBERS
MY COMMISSION # 12347413
EXPIRES: April 5, 2016
Pulaski County

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. 483-2639037-796

113265
sale 5/04

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

March 10, 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: **Rasheed Balogun**
Entity Number: **002 411799716/000**
W&A Number: **846-113265**

Dear Ms. Wallace:

This is in reference to your letter dated March 5, 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 **May 6, 2009** is **$1,481.85**. *(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 "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 December 31, 1998, recorded January 7, 1999, at Book 11287, Page 924 in the Register's Office of Davidson County, Tennessee, executed by Idayat Balogun and Rasheed A. Balogun in favor of Tucker Federal Bank D/B/A Prime Lending to secure the payment of a deed of trust note to Tucker Federal Bank D/B/A Prime Lending.

2. M&T Bank 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 6th day of May, 2009.

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 6th day of May, 2009.

Shellie R Chambers
Notary Public

My Commission Expires:

SHELLIE R. CHAMBERS
MY COMMISSION # 12347413
EXPIRES: April 5, 2016
Pulaski County

FHA No. 483-2639037-796
DServiceMembersAffidavitTN_chood_090506_1448

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF NEW YORK

COUNTY OF ERIE

RE: 6728 Birchbrook Drive
Antioch, Tennessee 37013
Debtor(s): Idayat Balogun and Rasheed A. Balogun

BEFORE ME, the undersigned authority, on this day personally appeared James P. Colosanti, who after being duly sworn, deposed and stated:

1. I am an employee of M&T Bank and held the position of Assistant Vice President with said company at the time of the events hereinafter set forth, and make this Affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.

2. This Affidavit is made with respect to the foreclosure of that certain deed of trust dated December 31, 1998, recorded January 7, 1999, at Book 11287, Page 924 in the real property records of Davidson County, Tennessee, executed by Idayat Balogun and Rasheed A. Balogun in favor of Tucker Federal Bank D/B/A Prime Lending to secure the payment of a deed of trust note to Tucker Federal Bank D/B/A Prime Lending.

3. M&T Bank is the holder of or agent for the holder of the indebtedness secured by said deed of trust.

4. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were 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.

5. 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 18TH day of March, 2009.

Affiant James P. Colosanti

Assistant Vice President
Title

ACKNOWLEDGMENT

STATE OF NEW YORK

COUNTY OF ERIE

Before me, the undersigned notary public of the state and county aforesaid, personally appeared James P Colosanti, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be the president (or other such officer authorized to execute the instrument) of M&T Bank, the within-named bargainor, a corporation, and that such officer executed the foregoing instrument for the purposes therein contained by personally signing the name of the corporation.

Witness my hand and seal at office in Williamsville this 18th day of March, 2009.

Katherine M. Kraus
Notary Public

My Commission Expires: June 11, 2011

KATHERINE M. KRAUS
Notary Public, State of New York
No. 01KR6168154
Qualified in Erie County
Commission Expires June 11, 2011

RETURN TO:

WILSON & ASSOCIATES, P.L.L.C.
1521 Merrill Drive, Suite D-220
Little Rock, Arkansas 72211
(501) 219-9388

Loan No. xxxxxx3833
FHA No. 483-2639037-796
DSoldierSailorAffidavit_ysmith_090305_1437