Prepared by:
David J. Waynick, Attorney
211 Donelson Pike, Suite 2
PO Box 148058
Nashville, TN 37214

Recording Info:

Davidson County DEEDTRS
Recvd: 11/16/09 11:11 5 pgs
Fees:28.00 Taxes:999.00
20091116-0105213

Address of New Owner:
Odell Binkley
3516 Central Pike
Hermitage, Tennessee 37076

Map and parcel: 04301022100
04301002700

SUBSTITUTE and SUCCESSOR TRUSTEE'S DEED

This Deed is executed to be effective as of the 4th day of November, 2009, from David J. Waynick, as grantor, in his capacity as Substitute and Successor Trustee, to **Odell Binkley, Jr. and Jerry Bowers,** as Grantee.

WITNESSETH:

WHEREAS, on December 09, 2004, Randel L. Crotts, executed a Deed of Trust (the "Deed of Trust") to Southland Associates, Inc., Trustee, to secure the prompt payment of certain indebtedness payable to National Bank of Commerce ("Beneficiary"), which indebtedness is evidenced in part by a promissory note (the "Note") as is more particularly described in the Deed of Trust, which is of record in the Register's Office of Davidson County, Tennessee in Trust Deed Instrument No. 20041217-0149966, to which reference is hereby made; and

WHEREAS, default was made in the payment of the Note and the performance of the covenants made in the Deed of Trust, by reason of which the entire balance owing thereunder was declared to be due and payable; and

WHEREAS, by virtue of the power and authority vested in me as Substitute and Successor Trustee under the Deed of Trust, at the request of Beneficiary, being the owner and holder of the indebtedness secured thereby, and for the purposes of effecting payment in satisfaction of the indebtedness, including principal, interest, attorney's fees and costs of sale, I, David J. Waynick, as Substitute and Successor Trustee did on November 4, 2009, commencing at 11:00 o'clock a.m. pursuant to advertisement published in the *Davidson AM* and *Tennessean*, in the editions of October 9, 2009, October 16, 2009 , and October 23, 2009, offer for sale and sold at public outcry to the highest and best bidder for cash, in bar of all equities of redemption, statutory redemption, dower and homestead, the hereinafter described real estate, at which such sale Odell Binkley, Jr. and Jerry Bowers became the highest and best bidder at and for the sum of two hundred seventy thousand and 00/100 dollars ($270,000.00); and

WHEREAS, the proceeds of such sale have been applied in payment of the advertising charge of $521.50, attorney's fees, and all other costs of sale, and the balance applied as a payment or credit on the Note thereby secured;

NOW, THEREFORE, I, David J. Waynick, Substitute and Successor Trustee, exercising the power and authority vested in me, and in bar of the equities of redemption, statutory redemption, dower and homestead, do hereby sell, transfer and convey unto Odell Binkley, Jr. and Jerry Bowers as grantee, each owning a one-half (1/2) undivided interest, as tenants in common, the following described real estate having an address of 1100 and 1104 Gallatin Road, Madison, Tennessee, in Davidson County, Tennessee:

Parcel A: Land located in Davison County, Tennessee, being Lots Nos. 1, 22, 23, and 24 of block "E" of East Lawn, a subdivision of Part of Edgemeade Farm, plat of which is of record in Book 547, page 153 and 154, Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Parcel B: Land located in Davidson County, Tennessee, being Lot No. 2 of Block "E" of East Lawn, a subdivision of Part of Edgemeade Farm, plat of which is of record in Book 547, page 153 and 154 Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Being the same property conveyed to Randel L. Crotts by deed from Karen Properties, LP of record in Instrument Number 20040713-0083490, Register's Office for said County.

This property is encumbered by one (1) lien or claim of lien filed by the State of Tennessee, Tax Enforcement Division, in the Register's Office of Davidson County, Tennessee, as Instrument No. 20090220-0014976. Notice of the Successor Trustee's foreclosure sale has been given to the State of Tennessee, Tax Enforcement Division in accordance with T.C.A. § 67-1-1433(b)(1). Sale of this property is subject to the redemption rights of the State of Tennessee as provided for in T.C.A. § 67-1-1433(c)(1). Copies of our letter and the response from Tennessee Department of Revenue, dated October 7, 2009, are attached as exhibit .

The sale was advertised and made as trustee only, without covenants or warranties of title, express or implied, subject to any governmental zoning or subdivision ordinances and further subject to any unpaid taxes or assessments owing on the property and this conveyance is so made. However, grantor, as Substitute and Successor Trustee, but not otherwise, hereby assigns and sets over to grantee all of the covenants and warranties contained in the Deed of Trust and in any prior deeds referred to in said Deed of Trust.

IN WITNESS WHEREOF, I, David J. Waynick, Substitute and Successor Trustee, have executed this instrument to be effective this 4th day of November, 2009.

David J. Waynick,
Substitute and Successor Trustee

State of Tennessee)
County of Davidson)

Personally appeared before me, the undersigned, a Notary Public in and for said State and County duly commissioned and qualified, David J. Waynick, as Substitute and Successor Trustee, with whom I am personally acquainted, and who acknowledged that he, as such Substitute and Successor Trustee, executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 16th day of November, 2009.

Notary Public
My Commission Expires:

THOMAS B. LUCK STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF DAVIDSON

MY COMMISSION EXPIRES: MARCH 10, 2012

State of Tennessee)
County of Davidson)

The actual value or consideration, whichever is greater, for this transfer is $ 270,000.00

Affiant

CERTIFICATION : I, Justin Conn, do hereby make oath that I am the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Justin Conn

Subscribed and sworn to before me on this 16th day of November, 2009.

NotaryPublic
My Commission Expires

THOMAS B. LUCK STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF DAVIDSON

MY COMMISSION EXPIRES: MARCH 10, 2012

State of Tennessee;County of Davidson
On this 16th day of November, 2009, personally appeared before me, Thomas B. Luck, a notary public for this county and state, Justin Conn, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Thomas B. Luck

THOMAS B. LUCK STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF DAVIDSON

MY COMMISSION EXPIRES: MARCH 10, 2012

EXHIBIT TO THE SUBSTITUTE and SUCCESSOR TRUSTEE'S DEED

LAW OFFICE OF
DAVID J. WAYNICK

TELEPHONE (615) 885-5707
TELEFAX (615) 885-0224
E-MAIL david@waynickandluck.com

211 DONELSON PIKE, SUITE 2
P.O. BOX 148058
NASHVILLE, TENNESSEE 37214

Justin Conn, Legal Assistant

SENT VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED 7009 0820 0001 2766 1425

September 17, 2009

Commissioner, Tennessee Department of Revenue
Collections Division
Andrew Jackson State Office Building
Nashville, TN 37219

Re: Notice of Non-Judicial Sale
1100 and 1104 Gallatin Road, Madison, Tennessee 37115

Dear Sir:

In accordance with Tennessee Code Annotated Section 67-1-1433(b) and the regulations issued pursuant thereto, we hereby submit the following Notice of Non-Judicial Sale.

Odell Binkley, Jr. and Jerry Bowers, the owners and holders of indebtedness secured by lien of Deed of Trust filed for record under Register's number 20041217-0149966 in the Register's Office of Davidson County, Tennessee, has requested David J. Waynick, as Successor Trustee under the above-mentioned Deed of Trust, to commence foreclosure proceedings under the power of sale contained in said Deed of Trust, default having been made in payment of the sum secured thereby. A copy of the Deed of Trust is enclosed for your reference.

1. This Notice of Sale is submitted by David J. Waynick, Attorney, 211 Donelson Pike, Suite 2, Nashville, Tennessee, 37214.
2. A copy of the Notice of State Tax Lien filed under Register's number 20090220-0014976, in the aforesaid Register Office on February 20, 2009, and which effects the property to be sold, are attached and made a part hereof.
3. The property to be sold is described as follows:

   A certain tract or parcel of land located in Davidson County, Tennessee described as follows to-wit:

   Parcel A: Land located in Davison County, Tennessee, being Lots Nos. 1, 22, 23, and

24 of block "E" of East Lawn, a subdivision of Part of Edgemeade Farm, plat of which is of record in Book 547, page 153 and 154, Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Parcel B: Land located in Davidson County, Tennessee, being Lot No. 2 of Block "E" of East Lawn, a subdivision of Part of Edgemeade Farm, plat of which is of record in Book 547, page 153 and 154 Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Being the same property conveyed to Randel L. Crotts by deed from Karen Properties, LP of record in Instrument Number 20040713-0083490, Register's Office for said County.

The Real Property or its address is commonly known as 1100 AND 1104 GALLATIN ROAD, MADISON, TN 37115.

4. Sale will be held on November 4, 2009, and commencing at 10:00 am at the Davidson County Courthouse, Nashville, Tennessee, at the front entrance thereof. Terms of sale: Cash.
5. The approximate amount of the principal obligation is $273.312.00, together with accrued interest thereon from August 20, 2009, at the rate of seven percent (7%) per annum. Other expenses to be charged against the proceeds of sale pursuant to the terms and provisions of said Deed of Trust include advertisement, title examination, transfer of taxes and recording fees, court costs and attorney's fees.

A duplication of this Notice is enclosed, upon which we request that you acknowledge to the undersigned receipt of this Notice.

Respectfully submitted,

David J. Waynick

Enclosures: Tax Lien
Notice of Foreclosure

Receipt of this Notice of Nonjudicial Sale acknowledged this _____ day of _____, 20__.

_____

RECEIVED
OCT 1 2 2009

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

October 7, 2009

Mr. David J. Waynick, Successor Trustee
Law Office of David J. Waynick
211 Donelson Pike, Suite 2
Nashville, TN 37214

Re: Foreclosure Sale of Property Owned by: **Randel L Crotts**
Entity Number: **002 408726774/000**
Property Address: **1100 and 1104 Gallatin Road, Madison, TN 37115**

Dear Mr. Waynick:

This is in reference to your letter dated October 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 **November 4, 2009** is **$102,497.05**. (*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*