BILL GARRETT, Davidson County
Trans:T20090078107 DEEDTRS
Recvd: 11/17/09 10:39 7 pgs
Fees:37.00 Taxes:0.00
20091117-0105721

Prepared by and Return to:
Patrick Taggart/hrylee 07/16/2009
McCurdy & Candler, L.L.C.
250 East Ponce DeLeon Avenue, Suite 600
Decatur, GA 30030

SUBSTITUTE TRUSTEE'S DEED

GMAC Mortgage Corporation
File No. 09-14108 /Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa

Tennessee, Davidson County

WHEREAS, by Deed of Trust dated January 25, 2002, and recorded in the Register's Office of Davidson County, Tennessee, on January 30, 2002 at Instrument No. 200201300013069, ("Deed of Trust"), Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa conveyed to Leon Sharber, Trustee, 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 Mortgage Electronic Registration Systems, Inc.; and

WHEREAS, Mortgage Electronic Registration Systems, Inc., being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record in Instrument No. 200906260059531, 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 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 The Nashville Record - Davidson in conformity with the laws of Tennessee and the terms and provisions of said Deed of Trust on 6/19/2009, 6/26/2009, and 7/3/2009. The sale was held on July 16, 2009, in Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, at the time and place mentioned in said advertisement, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale GMAC Mortgage, LLC, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $95,967.34; and

WHEREAS, the said owner and holder of the debt has assigned its interests in the said property to Department of Housing and Urban Development, its successors and assigns;

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;

WHEREAS, this sale shall be subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF U.S. TREASURY**, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record at Instrument No. 20030604-0076216 and Instrument No. 200709260114470 Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b). WHEREAS, 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 at Instrument No. 200707200086301, Instrument No. 200902200014969, and Instrument No. 20071218-0145064 Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

NOW, THEREFORE, in consideration of the premises and of the payment by GMAC Mortgage, LLC as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned Patrick A. Taggart, as Substitute Trustee, does hereby grant, bargain, sell and convey unto Department of Housing and Urban Development, its successors and assigns, in fee simple forever, the following described property, to-wit:

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A"
ATTACHED HERETO AND MADE A PART HEREOF**

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 Department of Housing and Urban Development, its successors and assigns, forever, to whom the said, Patrick A. Taggart, 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, Patrick Taggart, has hereunto executed, on July 16, 2009.

Patrick Taggart
Substitute Trustee

STATE OF GEORGIA
COUNTY OF DEKALB

On July 16, 2009, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared, Patrick A. Taggart, Substitute Trustee, the within named bargainor, with whom I am personally acquainted (or proved on the basis of satisfactory evidence), and who, upon oath, acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

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

OFFICIAL SEAL
CATHERINE COLLYMORE
NOTARY PUBLIC, NEWTON COUNTY, GA
MY COMMISSION EXPIRES FEB. 19, 2012

Notary Public

My Commission Expires:

GOVERNMENT ENTITY – NO TAX REQUIRED

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 $95,967.34, 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 July 16, 2009.

Notary Public

Mail Tax Notices to and Property Owner:
Secretary, Department of Housing & Urban Development of Washington DC
Department of Housing and Urban Development
Richard B. Russell Federal Bldg.
75 Spring Street
Atlanta, GA 30303

OFFICIAL SEAL
CATHERINE COLLYMORE
NOTARY PUBLIC, NEWTON COUNTY, GA
MY COMMISSION EXPIRES FEB. 19, 2012

Map & Parcel No.: 107140122.00
Property Address: 1009 Kipling Drive
Nashville, TN 37217

Exhibit "A"

Being Lot No. 166 on the Plan of Miro Meadows of record in Book 1424, Page 94, Registers Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and detailed description.

Being the same property conveyed to Jose D. Alvarado and Jose Alvarado Hernandez by Warranty Deed of record in Instrument Number 20020130-0013068, Registers Office for Davidson County, Tennessee.

Spouse signature for release of marital rights only.

LAW OFFICES
McCURDY & CANDLER, L.L.C.
SUITE 600
250 EAST PONCE DE LEON AVENUE
DECATUR, GEORGIA 30030

JULIUS A. McCURDY (1903 - 1993)
SCOTT CANDLER, JR. (1926 - 1994)
J. ROBIN HARRIS (1925 - 1989)

JOHN WALTER DRAKE
ALAN E. RAUBER
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OF COUNSEL:
REBECCA A. HOELTING
MARGARET C. COURTRIGHT
FRANK J. RHODES, JR.
H. RAIFORD HODGES, JR. (RETIRED)

*ALSO ADMITTED IN TENNESSEE

MAILING ADDRESS:
Post Office Box 57
Decatur, Georgia 30031

TELEPHONE: 404-373-1612
MAIN TELECOPIER: 404-370-7232

WEBSITE: WWW.MCCURDYCANDLER.COM

June 15, 2009

Donera Adcox
Department of Revenue
Special Procedures
500 Deadrick Street, 4th Floor
Nashville, TN 37242

RE: Our File No.: 09-14108
Loan No.: 0307325220
Borrower Name: Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa
Property Address: 1009 Kipling Drive
Nashville, TN 37217

Dear Sir or Madam:

Our firm is in the process of foreclosing a Deed of Trust on the property at Davidson County, Tennessee, a copy of the legal description being attached herewith. The present owner(s) of record is/are Jose D. Alvarado and Jose Alvarado Hernandez .

Our examination of the records in Davidson County, Tennessee, reveals that there is of record a State Tax Lien. For your identification, I am attaching copies of the above-referenced tax lien.

The Deed of Trust to be foreclosed by public sale was executed by Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa to Right Mortgage Company on January 25, 2002 in the principal amount of $92,270.00 at 7.37500 percent interest. The amount due on the day of foreclosure is approximately $96,599.57. The per diem amount is $0.00. Estimated fees and costs of foreclosure are $1,500.00. The foreclosure will take place on July 16, 2009 . The sale will be for cash.

This notice is being submitted in duplicate and I would appreciate your indicating the date and time received on the duplicate copy and returning it to the undersigned at the following address:

P.O. Box 57
Decatur, GA 30031

Yours very truly,
McCurdy & Candler, L.L.C.

Patrick A. Taggart

BY: Patrick A. Taggart

PT/hrylee
Enclosures

SUBSTITUTE TRUSTEE'S SALE

TENNESSEE, DAVIDSON COUNTY

WHEREAS default having been made in the payment of the indebtedness, secured by a Deed of Trust executed by Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa to Leon Sharber, Trustee dated January 25, 2002 in the amount of $92,270.00, and recorded in the Register's Office of Davidson County, Tennessee in Instrument No. 20020130-0013069, ("Deed of Trust");

WHEREAS the beneficial interest of said Deed of Trust was last transferred to Mortgage Electronic Registration Systems, Inc. by assignment; and

WHEREAS Mortgage Electronic Registration Systems, Inc. the current owner and holder of said Deed of Trust (the "Owner and Holder"), appointed the undersigned, Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka, 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 amount of said indebtedness has been declared due as provided in said Deed of Trust by the Owner and Holder, and the undersigned Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka, Substitute Trustee, or a duly appointed attorneys or agents, by virtue of the power and authority vested in the Appointment of Substitute Trusee, will on Thursday, July 16, 2009 commencing at 12:00 PM at 501 Broadway at the front of Sommet Center, formerly known as Gaylord Entertainment Center, Nashville, Tennessee; proceed to sell at public outcry to the highest bidder for cash, the property described in said deed to-wit:

Being Lot No. 166 on the Plan of Miro Meadows of record in Book 1424, Page 94, Registers Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and detailed description.

Being the same property conveyed to the Grantor(s) by deed of record in Instrument Number 200201300013068, Registers Office for Davidson County, Tennessee.

Spouse signature for release of marital rights only.

Map & Parcel No.: 107140122.00

PROPERTY ADDRESS: 1009 Kipling Drive, Nashville, Tennessee 37217
CURRENT OWNER(S): Jose D. Alvarado and Jose Alvarado Hernandez
SUBORDINATE LIENHOLDERS: State of Tennessee, Oakwood Homeowners Assn.
OTHER INTERESTED PARTIES: Tennessee Housing Development Agency, Internal Revenue Service, Tennessee Department of Revenue

This sale is also subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF U.S. TREASURY**, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record in:Instrument No. 20030604-0076216 and Instrument No. 20070926-0114470 Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b). 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: Instrument No. 20070720-0086301, Instrument No. 20090220-0014969, and Instrument No. 20071218-0145064 Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

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.

The sale will be held subject to any unpaid taxes, assessments, rights-of-way, easements, protective covenants or restrictions, liens, and other superior matters of record which may affect said property; as well as any prior liens or encumbrances as well as priority created by a fixture filing; and/or any matter that an accurate survey of the premises might disclose.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed.

Notice has been given of intention to collect attorneys' fees in accordance with the terms of the note secured by said deed.

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.

Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka
McCurdy & Candler, L.L.C.
(404) 373-1612
www.mccurdycandler.com
File No. 09-14108 /FHA
Ad Run Dates: 6/19/2009, 6/26/2009, and 7/3/2009
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

LAW OFFICES
McCURDY & CANDLER, L.L.C.
SUITE 600
250 EAST PONCE DE LEON AVENUE
DECATUR, GEORGIA 30030

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H. RAIFORD HODGES, JR. (RETIRED)

*ALSO ADMITTED IN TENNESSEE

June 15, 2009

Internal Revenue Service
Attn: Technical Support- P. Jackson
801 Broadway MDP 53
Nashville, TN 37203

RE:	Our File No.:	09-14108
	Loan No.:	0307325220
	Borrower Name:	Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa
	Taxpayer:	**Same as above**
	SSN:	**411-91-8509 (Jose D. Alvarado)**
	Property Address:	1009 Kipling Drive Nashville, TN 37217

Dear Sir or Madam:

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Our examination of the records in Davidson County, Tennessee, reveals that there is of record a Federal Tax Lien. For your identification, I am attaching copies of the Department of Treasury-Internal Revenue Service Form 668 on the above-referenced tax lien, in compliance with paragraph 7425(c) of the Internal Revenue Code, i.e., a Notice of Non-judicial Sale.

The Deed of Trust to be foreclosed by public sale was executed by Jose D. Alvarado and Jose Alvarado Hernandez and Sandra Ruiz Ochoa to Right Mortgage Company on January 25, 2002 in the principal amount of $92,270.00 at 7.37500 percent interest. The amount due on the day of foreclosure is approximately $96,599.57. The per diem amount is $0.00. Estimated fees and costs of foreclosure are $1,500.00. The foreclosure will take place on July 16, 2009 . The sale will be for cash.

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BY: Patrick A. Taggart

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NOW, THEREFORE, notice is hereby given that the entire amount of said indebtedness has been declared due as provided in said Deed of Trust by the Owner and Holder, and the undersigned Patrick A. Taggart, Sidney A. Gelernter, J. Michael Dugan or Laura A. Grifka, Substitute Trustee, or a duly appointed attorneys or agents, by virtue of the power and authority vested in the Appointment of Substitute Trusee, will on Thursday, July 16, 2009 commencing at 12:00 PM at 501 Broadway at the front of Sommet Center, formerly known as Gaylord Entertainment Center, Nashville, Tennessee; proceed to sell at public outcry to the highest bidder for cash, the property described in said deed to-wit:

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