FILE NO.: 1059.0929536TN\ALG

BILL GARRETT, Davidson County
Trans:T20090082473 DEEDTRS
Recvd: 12/07/09 10:04 5 pgs
Fees:28.00 Taxes:349.65
20091207-0111539

THIS INSTRUMENT PREPARED
BY & RETURN TO:
Nationwide Trustee Services, Inc.
1587 N.E. Expressway
Atlanta, GA 30329

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated February 16, 2007 and recorded in the Register's Office of Davidson County, TN, at Instrument 20070221-0021252, ("Deed of Trust"), as re-recorded at Instrument 200703230035189, aforesaid records, Don R. Smith conveyed to M. Todd Jackson, 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, **Arch Bay Holdings, LLC-Series 2008B,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument 20091030-0100224** in the Register's Office of Davidson County, TN; 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 conformity with the laws of TN and the terms and provisions of said Deed of Trust on 10/02/09, 10/09/09, 10/16/09, in THE NASHVILLE RECORD, by which advertisement the sale was originally scheduled for October 22, 2009 and postponed to October 29, 2009 and was postponed to and held on November 12, 2009, at the corner of Fifth and Broadway at the Main Entrance to the Sommet Center F/K/A Gaylord Entertainment Center in Nashville, Davidson County, TN, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, State Tax Lien(s) have been filed by the Tennessee Department of Revenue against the subject property in the Register's Office of Davidson County, Tennessee, at Instrument No. 2008051200484. Notice of the sale was given to the State of Tennessee pursuant to T.C.A. 67-1-1433(b)(1) and a copy is attached hereto as Exhibit "A". The response of the State of Tennessee is attached hereto as Exhibit "B". The property is subject to the right of the State of Tennessee to redeem pursuant to T.C.A. 67-1-1433(c)(1).

WHEREAS, at the time and place mentioned in said advertisement, Phil Young, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale **Arch Bay Holdings, LLC-Series 2008B**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $94,500.00; and

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;

NOW, THEREFORE, in consideration of the premises and of the payment by Arch Bay Holdings, LLC-Series 2008B as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **Nationwide Trustee Services, Inc.**, as Substitute Trustee, does hereby grant, bargain, sell and convey unto **Arch Bay Holdings, LLC-Series 2008B,** its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of TN:

Exhibit "A" Land in Davidson County, Tennessee, described as follows, to-wit: Being Unit No. 602 on the Plan of Laurel Hill Courtyard Homes of record in Plat Book 6900, Page 573, Register's Office for Davidson County, Tennessee, and as established by a Master Deed of record in Book 7466, Page 438, and as amended in Book 7717, Page 82, and restated Mater Deed of record in Book 8199, Page 779, Register's Office Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate legal description.

The last recorded Warranty Deed was filed of record at Instrument 200703230035188 in the Register's Office of Davidson County, TN.

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 **Arch Bay Holdings, LLC-Series 2008B**, its successors and assigns forever, to whom the said, **Nationwide Trustee Services, Inc.**, 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, **Nationwide Trustee Services, Inc.**, Substitute Trustee, has hereunto set his hand, this 12th day of November, 2009.

Nationwide Trustee Services, Inc.
Substitute Trustee

STATE OF GEORGIA

COUNTY OF DEKALB

On this 12th day of November, 2009, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Germaine Duncan, with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person), and who, upon his or her oath, acknowledged himself or herself to be the Vice President of **Nationwide Trustee Services, Inc.**, the within named bargainor, and as such officer or member being duly authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing thereto the name of the corporation by himself or herself as such officer or member.

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

Notary Public

My Commission Expires: 11-28-2010

RONALD KEY NOTARY PUBLIC Exp. Nov. 28, 2010 GWINNETT COUNTY, GA

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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 $94,500.00, 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 THIS 12TH DAY OF NOVEMBER 2009.

Notary Public

My Commission Expires: 11-28-2010

RONALD KEY NOTARY PUBLIC Exp. Nov. 28, 2010 GWINNETT COUNTY, GA

File No.: 1059.0929536TN (Smith)
Property Address: 602 Laurel Hill Drive, Hermitage, TN 37076
Tax Parcel ID No.: 064130-B07000CO

Mail Tax Notices To and Property Owner:

Marix Servicing
1925 W. Pinnacle Peak Rd.
Phoenix, AZ 85027

SUBSTITUTE TRUSTEE'S SALE

WHEREAS, default having been made in the payment of the debts and obligations secured to be paid by that certain Deed of Trust executed on February 16, 2007, by Don R. Smith to M. Todd Jackson, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Instrument 20070221-0021252, as re-recorded in Instrument 200703230035189, aforesaid records, and ("Deed of Trust"); and

WHEREAS, Arch Bay Holdings, LLC-Series 2008B, the current owner and holder of said Deed of Trust, (the "Owner and Holder"), appointed the undersigned, Nationwide Trustee Services, Inc., 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 indebtedness has been declared due and payable as provided in said Deed of Trust by the Owner and Holder, and that the undersigned, Nationwide Trustee Services, Inc., Substitute Trustee, or his duly appointed attorneys or agents, by virtue of the power and authority vested in him, will on Thursday, **October 29, 2009**, commencing at at the corner of Fifth and Broadway at the Main Entrance to the Sommet Center F/K/A Gaylord Entertainment Center of Davidson County, Nashville, Tennessee, proceed to sell at public outcry to the highest and best bidder for cash, the following described property situated in Davidson County, Tennessee, to wit:

Exhibit "A"

Land in Davidson County, Tennessee, described as follows, to-wit:

Being Unit No. 602 on the Plan of Laurel Hill Courtyard Homes of record in Plat Book 6900, Page 573, Register's Office for Davidson County, Tennessee, and as established by a Master Deed of record in Book 7466, Page 438, and as amended in Book 7717, Page 82, and restated Mater Deed of record in Book 8199, Page 779, Register's Office Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate legal description.

PROPERTY ADDRESS: 602 Laurel Hill Drive, Hermitage, TN 37076

CURRENT OWNER(S): Don R. Smith

The sale of the above-described property shall be subject to all matters shown on any recorded plan; any unpaid taxes; any restrictive covenants, easements or set-back lines that may be applicable; any prior liens or encumbrances as well as any priority created by a fixture filing; and any matter that an accurate survey of the premises might disclose.

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. 2008051200484. Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

SUBORDINATE LIENHOLDERS: GreenPoint Mortgage Funding, Inc; Ruby Hyde; Krista Strassner

OTHER INTERESTED PARTIES: N/A

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 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.

Exhibit A

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Nationwide Trustee Services, Inc., Substitute Trustee
c/o PP
Prommis Solutions, LLC on behalf of Nationwide Trustee Services, Inc.
1587 Northeast Expressway
Atlanta, GA 30329
(770) 234-9181 (ext.)
File No.: 1059.0929536TN
Insertion Dates: 10/02/09, 10/09/09, 10/16/09

[redacted]

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

September 29, 2009

P. P.
Nationwide Trustee Services, Inc.
1587 Northeast Expressway
Atlanta, GA 30329

Re: Foreclosure Sale of Property Owned by: **Don R Smith**
Entity Number: **002 267800678/000**
NTSI File Number: **1059.0929536TN**

Dear Sir/Madam:

This is in reference to your letter dated September 28, 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 **October 29, 2009** is **$509.53**. (*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 B