BILL GARRETT, Davidson County
Trans:T20090087905 DEEDTRS
Recvd: 12/31/09 11:51 4 pgs
Fees:18.00 Taxes:259.00
20091231-0118932

This instrument prepared by: JOHN R. REYNOLDS (#2522)
Attorney at Law
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611 Commerce Street
P. O. Box 190481
Nashville TN 37219-0481
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NOTE TO REGISTER: Upon recording, please return the recorded instrument to: JOHN R. REYNOLDS, Attorney at Law, Suite 2702, The Office Tower, 611 Commerce Street, Nashville TN 37203.

SUBSTITUTE TRUSTEE'S DEED

Address New Owner(s) as follows: **Nancy Stewart Sutton, 3726 Cedarwood Drive, Nashville TN 37216**

Name and Address of the person or entity responsible for payment of real property taxes: SAME

Map No. **043-13-0**, Parcel No. **136.00**, Field Book No. .

WHEREAS, John Smiley and wife, Glenda Smiley, executed a Deed of Trust to **Kristie S. Taylor**, Trustee, to secure the payment of one (1) Note payable in the original principal amount of **One Hundred Fifty Thousand ($150,000.00) Dollars** to the order of **Nancy Sutton** as provided therein and being more particularly described in the Deed of Trust shown of record as Instrument No. **20081218-0121282**, Register's Office for **Davidson** County, Tennessee, to which reference is hereby made; and

WHEREAS, John Smiley and wife, Glenda Smiley defaulted in the payment of said Note and the performance of the covenants and agreements in said Deed of Trust by reason of which the entire balance owing thereunder was declared due and payable; and

WHEREAS, the undersigned, **John R. Reynolds,** was appointed Substitute Trustee by the holder of said Note by instrument shown of record as Instrument No. **20090622-0058070**, said Register's Office; and

WHEREAS, by virtue of the power of sale and authority vested in the undersigned as Substitute Trustee under the Deed of Trust and at the request of the holder of said Note secured thereby and for the purpose of effecting payment and satisfaction of the Note, I, **JOHN R. REYNOLDS,** as Substitute Trustee, did on **11 December 2009,** at **10:00 o'clock a.m.,** pursuant to an advertisement published in the weekly editions of the **NASHVILLE SCENE** on **19 and 26 November, and 03 December,** appear at the South (Front) Door, Davidson County Historic Courthouse, One Public Plaza, Nashville,

Davidson County, Tennessee, and announce the sale would be adjourned to **Wednesday, 30 December 2009**, at **10:00 o'clock a.m.** at the same location without further publication in accordance with law; and

WHEREAS, I, JOHN R. REYNOLDS, as Substitute Trustee, did on **30 December 2009**, at **10:00 o'clock a.m.** pursuant to the announcement on 11 December 2009, offer for sale, and sell at public outcry to the highest and best bidder for cash, in bar of all equities of redemption, statutory redemption, dower and homestead, to **NANCY STEWART SUTTON**, the highest and best bidder at the time for the sum of **SEVENTY THOUSAND and no/100 ($70,000.00) DOLLARS**, that certain real property located at and known as **518 East Old Hickory Boulevard, Madison, Davidson County, Tennessee 37115**, and being more particularly described on **EXHIBIT A** attached hereto and made a part hereof; and

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

NOW, THEREFORE, I, **JOHN R. REYNOLDS, SUBSTITUTE TRUSTEE**, exercising the power, duty and authority vested in and imposed upon me in that certain Deed of Trust shown of record as Instrument No. **20081218-0121282**, Register's Office for **Davidson** County, Tennessee, and in bar of the equity and statutory rights of redemption, homestead, dower and all other exemptions which are expressly waived in the Deed of Trust, do hereby sell, transfer and convey unto **NANCY STEWART SUTTON**, Grantee(s), her heirs and assigns, that certain real property located at and known as **518 East Old Hickory Boulevard, Madison, Davidson County, Tennessee 37115**, and being more particularly described on **EXHIBIT A** attached hereto and made a part hereof.

The sale was advertised and made as Substitute Trustee only without covenants or warranties of title, express or implied, and subject to all matters shown on the applicable recorded plat, any unpaid taxes, any restrictive covenants, easements or setback lines that may be applicable, any statutory rights of redemption

of any government agency, state or federal, any prior liens or encumbrances as well as any priority created by fixtures filing(s), and any matter that an accurate survey of the premises might disclose and subject to, but not limit to, any party who may claim an interest in the above-referenced real property.

The undersigned, as Substitute Trustee but not otherwise, also hereby assigns and sets over unto **NANCY STEWART SUTTON**, Grantee(s), her heirs and assigns, all the covenants and warranties contained in the Deed of Trust and any prior deeds referred to in said Deed of Trust.

IN WITNESS WHEREOF, I, **JOHN R. REYNOLDS, SUBSTITUTE TRUSTEE**, have executed this Substitute Trustee's Deed on the 30th day of December 2009.

J. R. B. Sub. Trustee

JOHN R. REYNOLDS,
SUBSTITUTE TRUSTEE

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, **JOHN R. REYNOLDS**, with whom I am personally acquainted, and who acknowledged that he executed this Substitute Trustee's Deed as Substitute Trustee only for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 30th day of December 2009.

Susan James
Notary Public

My commission expires 1-3-2011

STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer, is $70,000.

_____ Affiant

Subscribed and sworn to before me
this _____ day of December 2009.

_____ Notary Pu

My commission expires _____

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE,
WHICHEVER IS GREATER FOR THIS TRANSFER IS
$70,000
Nancy S Sutton
AFFIANT
SUBSCRIBED AND SWORN TO BEFORE ME, THIS
THIS 31 DAY OF Dec 2009
Deputy Register

EXHIBIT A

Land in the 11th, formerly the 19th, Civil District of **Davidson** County, Tennessee, described as follows:

BEGINNING at a stake in the center of the New Larkin Springs Road, or Old Hickory Boulevard, at a point South 81-1/2 degrees West 85 feet from B. I. Bixler's northwest corner, thence South 8-1/2 degrees 330 feet to a stake in Fitch's northerly line; thence South 81-1/2 degrees West 70 feet to a stake; thence 8-1/2 degrees West 330 feet to the center of said Old Hickory Boulevard; thence with the center of said Boulevard North 81-1/2 degrees East 70 feet to the beginning.

Being the same property conveyed to **JOHN SMILEY ET UX GLENDA SMILEY** by Deed from **Nancy Sutton** as shown of record as Instrument No. **20081218-0121281**, Register's Office for **Davidson** County, Tennessee.

This is **improved** real property known as **518 Old Hickory Boulevard, Madison TN 37115.** The street address identified herein is not part of the legal description of the Real Property; and, in the event of any discrepancy, the legal description herein shall control.

The Real Property is sold **"AS IS"** without representations or warranties of any kind whatsosever, whether express or implied; and, without limiting the foregoing, the Real Property is sold without any implied warranties or merchantability or fitness for a particular use or purpose.

The sale also is subject to the following, to-wit:

2009 Metropolitan-Davidson County, Tennessee real property taxes, listed to **John Smiley et ux Glenda Smiley**, Map-Parcel No. **043-13 136.00, $1,182.82**, a lien, now due and payable;

2008 Metropolitan-Davidson County, Tennessee real property taxes, listed to **John Smiley et ux Glenda Smiley**, Map-Parcel No. **043-13 136.00**, Base tax - $1,100.91 - plus penalty and interest;

Easement to Metropolitan Government of Nashville and Davidson County, Tennessee, of record in Book **5120**, page **281**, Register's Office for **Davidson** County, Tennessee;

Easement for Right-of-Way for East Old Hickory Boulevard/New Larkin Springs Road;

Rights or claims of parties other than Maker in actual possession of any or all of the property;

Unrecorded easements, discrepancies or conflicts in boundary lines, shortage in area and encroachments which an accurate and complete survey would disclose.

Unfiled Mechanics' or materialmen's liens, if any.