BILL GARRETT, Davidson County
Trans:T20090087911 DEEDTRS
Recvd: 12/31/09 11:57 4 pgs
Fees:23.00 Taxes:44.77
20091231-0118938

This instrument prepared by:
Prochaska Thompson Quinn & Ferraro, P.C. (JRP)
401 Church Street, Suite 2600
Nashville, TN 37219

| **Address New Owner:** | **Send Tax Bills To:** | **Map-Parcel Numbers:** |
|---|---|---|
| Valley Construction, LLC<br>329 Leconte Court<br>Murfreesboro, TN 37128 | SAME | 164 10 0A 373.00 |

## SUCCESSOR TRUSTEE'S DEED

This instrument is made and entered into as of December 29, 2009, by and between Joseph R. Prochaska, Successor Trustee (hereinafter referred to as "Successor Trustee"), and Valley Construction, LLC.

WHEREAS by Deed of Trust dated June 16, 2005 and recorded as Instrument No. 20050623-0072029 in the Register's Office for Davidson County, Tennessee, as amended by that Amendment to Deed of Trust dated August 21, 2007, of record as Instrument No. 20070827-0102418, all filed in said Register's Office (the "Deed of Trust"), Debtor, Capitol Homes, Inc. conveyed to G. Kent Cleaver, as Trustee, the hereinafter described real estate, to secure payment to Regions Bank of a promissory note dated June 16, 2005 (the "Note"); and

WHEREAS, the lawful holder of the Note, Regions Bank appointed Joseph R. Prochaska to serve as Successor Trustee in accordance with the terms of said Deed of Trust by an instrument of record at Instrument Number 20091201-0110036 filed in the Register's Office for Davidson County, Tennessee; and

WHEREAS, the indebtedness secured by said Deed of Trust became overdue and unpaid, and other conditions of default occurred, by reason of which the lawful owner and holder of the indebtedness secured by said Deed of Trust declared the Deed of Trust and Note to be in default

and notice of such default was properly given; and

WHEREAS, the lawful holder of the Note secured by the Deed of Trust directed the Successor Trustee to sell the property held as security under the Deed of Trust as provided therein, and the Successor Trustee caused notice to be published in the *Davidson AM* on November 27, 2009; December 4, 2009 and December 11, 2009 noticing that the property would be sold at a duly conducted foreclosure sale on December 17, 2009, and Successor Trustee sent a copy of such notice to Debtor and following such notice the default was not cured; and

WHEREAS, the Successor Trustee at the time, place and date specified in said notices caused the property and all improvements, fixtures, and structures thereon to be offered for sale, and after opening the floor for competitive bids, sold said Property to Valley Construction, LLC at the price of $12,100.00 this being the highest, last and best bid;

NOW, THEREFORE, I, Joseph R. Prochaska, Successor Trustee as aforesaid, in consideration of the premises and the sum of $12,100.00, by these presents do transfer to Valley Construction, LLC its successors and assigns, all of my right, title and interest, as Successor Trustee, in and to the following described real estate and improvements located thereon, but no further or otherwise, located in Davidson County, Tennessee, and more particularly described as follows, To Wit:

Being Land in Davidson County, Tennessee, being Lot No. 418 on the Final Plat of Village Nine, Summerfield Subdivision, of record as Instrument No. 20060718-0086560, Register's Office for Davidson County, Tennessee.

Being part of the same property conveyed to Capitol Homes, Inc., a Tennessee Corporation by Warranty Deed from Summerfield Development, L.L.C., a Tennessee Limited Liability Company, of record in Instrument No. 20070515-0058127, Register's Office for Davidson County, Tennessee.

Property Address: 1009 Summercrest Court, Antioch, Tennessee

TO HAVE AND TO HOLD the aforesaid real estate, together with all improvements thereof, in bar of the equity of redemption, statutory right of redemption, homestead, and exemption rights, as provided in, but only to the extent provided in, said Deed of Trust.

Said sale is subject to such liens, defects, encumbrances, adverse claims or other matters which take priority over the Deed of Trust under which said foreclosure was held or which affect the land herein conveyed.

WITNESS the signature of the Successor Trustee on this the day and date first above written.

JOSEPH R. PROCHASKA
Successor Trustee

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, Jessica Rigsby a Notary Public of said County and State, JOSEPH R. PROCHASKA, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Successor Trustee, and that he as such Successor Trustee being authorized to do so executed the within instrument for the purposes contained therein by signing his name as Successor Trustee.

Witness my hand at office, this 29th day of December, 2009.

Jessica Rigsby
Notary Public

Expiration Date: 4/16/2011

JESSICA RIGSBY
STATE OF TENNESSEE
NOTARY PUBLIC
RUTHERFORD COUNTY

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The actual consideration or value, whichever is greater, for this transfer is $ 12,100.00 .

Affiant

Sworn to and Subscribed
before me this the 29th
day of December, 2009.

Notary Public

JESSICA RIGSBY
STATE OF TENNESSEE NOTARY PUBLIC
RUTHERFORD COUNTY

Expiration Date: 4/16/2011