RECORDING LEGEND

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

GRANTOR(s)
Adam Moncivaez and Penelope S. Moncivaez

GRANTEE(s)
The Secretary of Housing and Urban Development, his/her successors and/or assigns

This Instrument Prepared By:
Robert M. Wilson, Jr.
WILSON & ASSOCIATES, P.L.L.C.
1521 Merrill Drive, Suite D-220
Little Rock, Arkansas 72211
(501) 219-9388

BILL GARRETT, Davidson County
Trans:T20100005473 DEEDTRS
Recvd: 01/28/10 09:28 6 pgs
Fees:32.00 Taxes:0.00
20100128-0007055

TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated April 23, 2001 and recorded June 11, 2001, as Instrument No. 20010611-0061290 in the Register's Office of Davidson County, Tennessee, Adam Moncivaez and Penelope Moncivaez conveyed to Lenders Title & Escrow, LLC, as Trustee for Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Pulte Mortgage Corporation and Pulte Mortgage Corporation's successors and assigns, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the holder of the debt secured has appointed **SHELLIE WALLACE** as Successor Trustee by instrument of record recorded on October 15, 2009 as Instrument No. 20091015-0095328 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 has requested said Successor Trustee to, upon proper advertisement and notice, sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, in pursuance of said request by said beneficiary, advertisement and notice of the sale identifying all interested parties of said property was made and given conformity with the terms and provisions of said Deed of Trust, and Tenn. Code Ann. Sec. 35-5-104; said advertisement began on October 15, 2009 and was advertised a total of three times, prior to actual sale date; and

WHEREAS, pursuant to said advertisement and notice, on December 2, 2009 at the The Sommet Center in Nashville, Tennessee, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash, at which time the said property was struck off and sold to CitiMortgage, Inc., at and for the sum of $153,108.96, that being the highest and best bid offered; and

WHEREAS, the said CitiMortgage, Inc. has assigned its interest in said property to The Secretary of Housing and Urban Development, his/her successors and/or assigns; and

WHEREAS, the purchaser has complied with the terms of the sale by paying into the hands of the undersigned Successor Trustee the expenses of the sale with the balance being applied upon said indebtedness for which said property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by CitiMortgage, Inc. of the sum of money so paid, receipt of which is hereby acknowledged, the undersigned Successor Trustee does hereby grant, bargain, sell, and convey to The Secretary of Housing and Urban Development, his/her successors and/or assigns, the property above mentioned and now further described as being inDavidson County, Tennessee, to wit:

> Land in Davidson County, Tennessee, being Lot No. 31 on the Plan of Peninsula Point, Section 3, Phase 3 of record in Plat Book 11700, page 32, Register's Office for Davidson County, Tennessee to which plan reference is hereby made for a more complete and accurate description of said lot.
>
> Being the same property conveyed to Adam Moncivaez and Penelope S. Moncivaez by Warranty Deed recorded June 11, 2001 , as Instrument No. 20010611-0061289, Register's Office for Davidson County, Tennessee.
>
> Commonly known as: 512 Waterford Place, Antioch, Tennessee 37013.
>
> Tax Parcel No.: 137 13 OA 031.00

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any way appertaining unto The Secretary of Housing and Urban Development, his/her successors and/or assigns.

IN WITNESS WHEREOF, the said Successor Trustee has hereunto set his or her hand and seal this 3 day of DEC, 2009.

Shellie Wallace
Shellie Wallace
Successor Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Shellie Wallace, as Successor Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Successor Trustee for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 3 day of Dec, 09.

Notary Public

My Commission Expires:

MISTY M. SOBANSKI
Notary Public-Arkansas
Faulkner County
My Commission Expires 06-03-2015

FORM FOR OATH

I hereby swear and affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $153,108.96, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale. However, the grantee(s) are exempt from any and all transfer taxes.

Shellie Wallace
Shellie Wallace
Successor Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified Shellie Wallace, as Successor Trustee, with who I am personally acquainted, and whom acknowledged that such person executed the foregoing Form for Oath for the purposes therein contained.

Witness my hand and seal at office in AR this 3 day of Dec, 09.

Notary Public

My Commission Expires:

MISTY M. SOBANSKI
Notary Public-Arkansas
Faulkner County
My Commission Expires 06-03-2015

PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
U.S. Department of Housing and Urban Development
c/o Pyramid Real Estate Services
616 Marriott Drive, Suite 300
Nashville, Tennessee 37214

FHA No. 483-2926144-703

EXHIBIT "A"

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF Arkansas

COUNTY OF Pulaski

BEFORE ME, the undersigned authority, on this day personally appeared Shellie Wallace, who after being duly sworn, deposed and stated:

1. I am the Successor Trustee with a certain deed of trust, dated April 23, 2001, recorded June 11, 2001, as Instrument No. 20010611-0061290 in the Register's Office of Davidson County, Tennessee, executed by Adam Moncivaez and Penelope Moncivaez in favor of Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Pulte Mortgage Corporation and Pulte Mortgage Corporation's successors and assigns to secure the payment of a deed of trust note to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Pulte Mortgage Corporation and Pulte Mortgage Corporation's successors and assigns.

2. CitiMortgage, Inc. is the holder of or agent for the holder of the indebtedness secured by said deed of trust.

3. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were (1) not members of the Armed Forces of the United States of America and had not been members of any such entities for at least three (3) months prior to the date of the foreclosure sale the subject hereof or (2) were members Armed Forces of the United States of America at the time the security instrument was executed.

4. As such, foreclosure of this property will not be subject to the provisions of 50 U.S.C.S. §501, *et seq.* (the Servicemembers Civil Relief Act).

FURTHER AFFIANT SAYETH NOT.

DATED this 3 day of DEC, 2009.

Shellie Wallace

Shellie Wallace
Affiant

ACKNOWLEDGMENT

STATE OF Arkansas

COUNTY OF Pulaski

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Shellie Wallace, Successor Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Successor Trustee for the purposes therein contained.

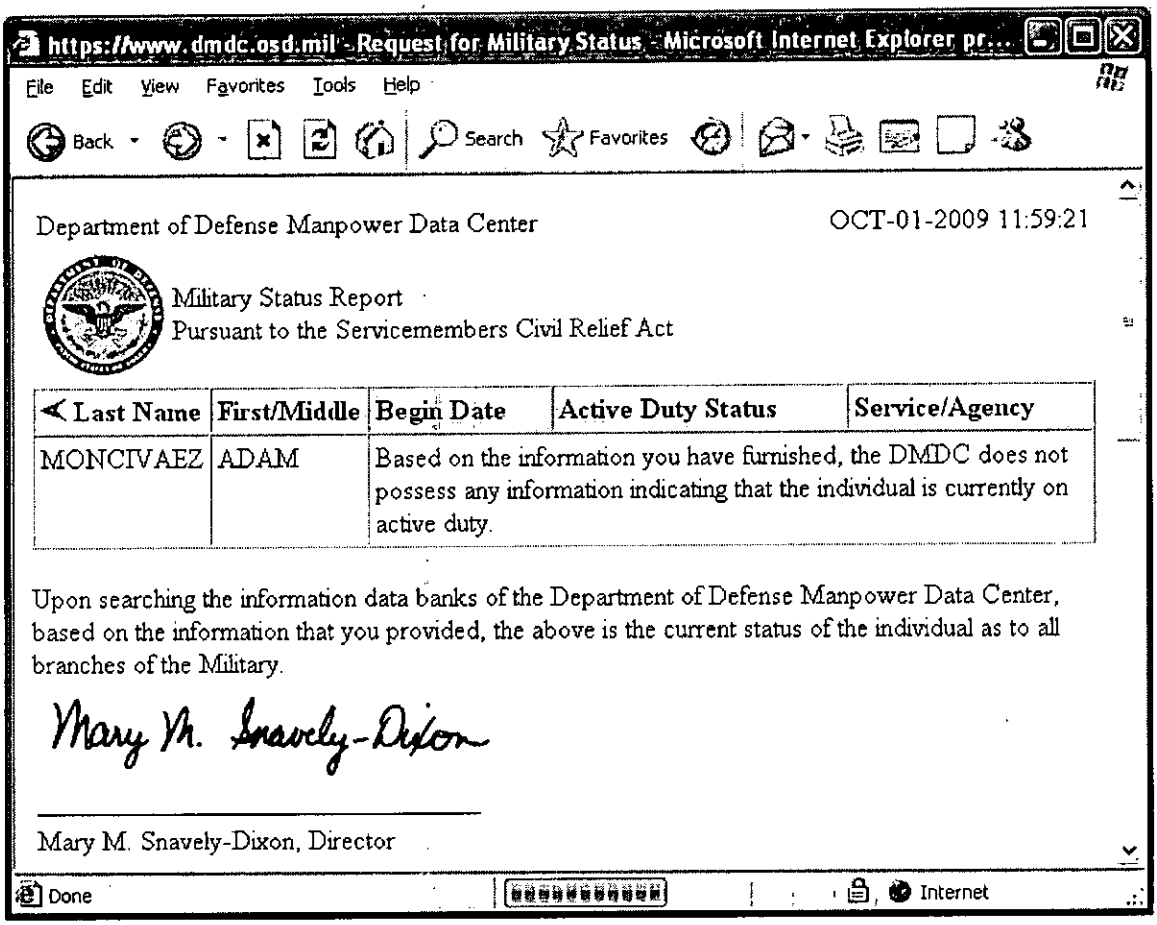
Witness my hand and seal at office in Little Rock, Arkansas this 3 day of Dec, 09.

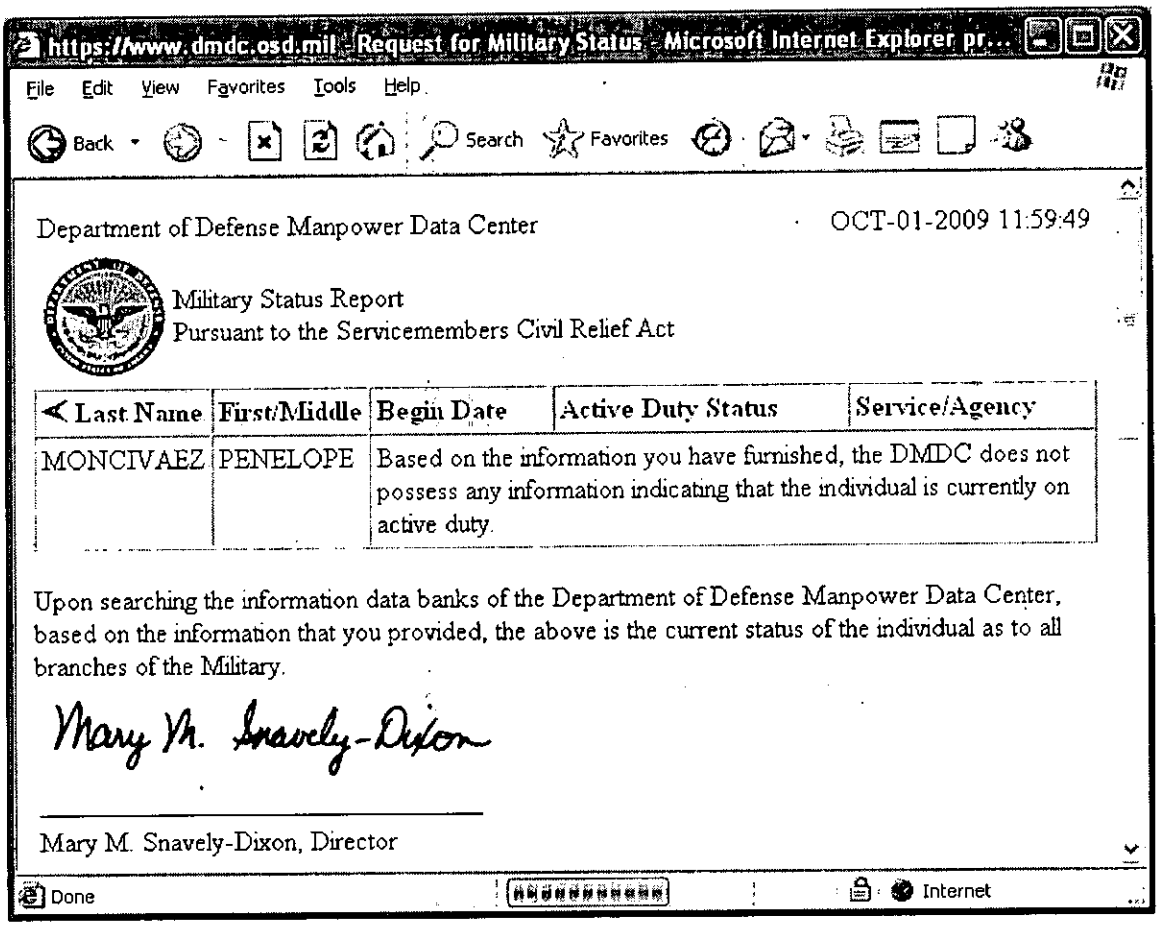
Notary Public

My Commission Expires: _____

MISTY M. SOBANSKI
Notary Public-Arkansas
Faulkner County
My Commission Expires 06-03-2015

FHA No. 483-2926144-703
DServiceMembersAffidavitTN_jdean_091202_1407


https://www.dmdc.osd.mil - Request for Military Status - Microsoft Internet Explorer pr...
File Edit View Favorites Tools Help
Back Search Favorites
Department of Defense Manpower Data Center
OCT-01-2009 11:59:21
Military Status Report
Pursuant to the Servicemembers Civil Relief Act
Last Name
First/Middle
Begin Date
Active Duty Status
Service/Agency
MONCIVAEZ
ADAM
Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.
Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.
Mary M. Snavely-Dixon
Mary M. Snavely-Dixon, Director
Done
Internet


https://www.dmdc.osd.mil - Request for Military Status - Microsoft Internet Explorer pr...
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Back Search Favorites
Department of Defense Manpower Data Center
OCT-01-2009 11:59:49
Military Status Report
Pursuant to the Servicemembers Civil Relief Act
Last Name
First/Middle
Begin Date
Active Duty Status
Service/Agency
MONCIVAEZ
PENELOPE
Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.
Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.
Mary M. Snavely-Dixon
Mary M. Snavely-Dixon, Director
Done
Internet