RECORDING LEGEND

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

GRANTOR(s)
Ruben Gutierrez and Caprice Harding

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:T20100007887 DEEDTRS
Recvd: 02/08/10 14:46 5 pgs
Fees:27.00 Taxes:0.00
20100208-0010050

TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated May 27, 2004 and recorded June 2, 2004, as Instrument No. 20040602-0064602 in the Register's Office of Davidson County, Tennessee, Ruben Gutierrez and Caprice Harding conveyed to Joe M. Kirsch or Denise Griffin, as Trustee for Charter One Mortgage Corp., 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 and **MATTHEW SMITH** as Co-Trustee by instrument of record recorded on September 14, 2009 as Instrument No. 200909140085730 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 September 3, 2009 and was advertised a total of three times, prior to actual sale date; announcing the scheduled sale date of September 30, 2009; and on said date the sale was announced to be postponed to October 28, 2009.

WHEREAS, pursuant to said advertisement and notice, on October 28, 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 Wells Fargo Bank, NA, at and for the sum of $119,386.21, that being the highest and best bid offered; and

WHEREAS, the said Wells Fargo Bank, NA 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 Wells Fargo Bank, NA 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:

Being westerly 1/2 of Lot No 25 and all of Lot No 26 on the plan of Revised Rainbow Terrace, Block f, of record in Plat book 1130, page 85, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.

Being the same property conveyed to Ruben Gutierrez and Caprice Harding by Warranty Deed recorded June 2, 2004 , as Instrument No. 20040602-0064601, Register's Office for Davidson County, Tennessee.

Commonly known as: 713 McCarley Avenue, Madison, Tennessee 37115.

Tax Parcel No.: 052 02 041.00

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

28th day of October, 2009.

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 28 day of Oct, 2009.

Lena M. Drennan
Notary Public

My Commission Expires: LENA M. DRENNAN NOTARY PUBLIC SALINE COUNTY, ARKANSAS COMM. EXP. 08/10/11

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 $119,386.21, 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
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 CR this 28 day of Oct, 2009.

Lena M. Drennan
Notary Public

My Commission Expires: LENA M. DRENNAN NOTARY PUBLIC SALINE COUNTY, ARKANSAS COMM. EXP. 08/10/11

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. 483-3463336

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 May 27, 2004, recorded June 2, 2004, as Instrument No. 20040602-0064602 in the Register's Office of Davidson County, Tennessee, executed by Ruben Gutierrez and Caprice Harding in favor of Charter One Mortgage Corp. to secure the payment of a deed of trust note to Charter One Mortgage Corp..

2. Wells Fargo Bank, NA 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 28th day of October, 2009.

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 28 day of Oct, 2009.

Lena M. Drennan

Notary Public

My Commission Expires:

LENA M. DRENNAN
NOTARY PUBLIC
SALINE COUNTY, ARKANSAS
COMM. EXP. 08/10/11

FHA No. 483-3463336
DServiceMembersAffidavitTN_mokere_091028_1534

Department of Defense Manpower Data Center AUG-21-2009 13:04:08

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

☐Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
GUTIERREZ	RUBEN	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Department of Defense Manpower Data Center AUG-21-2009 13:04:27

Military Status Report
Pursuant to the Servicemembers Civil Relief Act

☐Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
HARDING	CAPRICE	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		