BILL GARRETT, Davidson County
Trans:T20100014787 DEEDTRS
Recvd: 03/12/10 10:53 8 pgs
Fees:43.00 Taxes:388.50
20100312-0019031

THIS INSTRUMENT PREPARED BY: **Marcy E. Shelton** **GULLETT, SANFORD, ROBINSON & MARTIN, PLLC** 315 Deaderick Street Suite 1100 P. O. Box 198888 Nashville, Tennessee 37219-8888 (615) 244-4994	STATE OF TENNESSEE) COUNTY OF DAVIDSON) The actual consideration or value, whichever is greater, for this transfer is $105,000.00. Affiant Subscribed and sworn to before me, this 11th day of March, 2010. Notary Public My Commission Expires: 3-9-13

IVA J. BARKLEY STATE OF TENNESSEE NOTARY PUBLIC CHEATHAM COUNTY, TENN.

Address new owners as follows:	Send Tax Bills to:	Map-Parcel Numbers
The Bank of Nashville 401 Church Street Nashville, TN 37219-00376	Same	026-06-0-A 058.00CO

SUCCESSOR TRUSTEE'S DEED

WHEREAS, DIAL PROPERTIES, LLC, a Tennessee limited liability company, executed a Construction Deed of Trust, Assignment of Rents and Security Agreement dated April 27, 2005, to William W. Winfree, Trustee, (the "Deed of Trust") to secure indebtedness described therein payable to The Bank of Nashville of record as Instrument No. ~~20050428-0047281~~ 20050428-0047281, Register's Office for Davidson County, Tennessee; and

WHEREAS, Marcy E. Shelton was appointed Successor Trustee by the owner and holder of said indebtedness by Appointment of Successor Trustee as Instrument No. 20091112-0104551, Register's Office for Davidson County, Tennessee; and

WHEREAS, default was made in the payment of said indebtedness; and

WHEREAS, a Notice of State Tax Lien was filed of record as Instrument Number 20100120-0004818, Register's Office for Davidson County, Tennessee having Dial Properties, LLC names as Taxpayer, and the notice required by Tennessee Code Annotated § 67-1-1433 to be given to the State of Tennessee was timely given and a written response by the State of Tennessee was received; and

WHEREAS, the owner and holder demanded that the property be advertised and sold in satisfaction of said indebtedness, and the costs of foreclosure in accordance with the terms and provisions of said Deed of Trust; and

WHEREAS, pursuant to instructions of the owner and holder, the Successor Trustee advertised said property for sale in accordance with the terms and provisions of the Deed of Trust, notices of the time and place of said sale having been published in the ***The Tennessean*** on February 12, February 19 and February 26, 2010; and

WHEREAS, the Successor Trustee, as required by the terms of the Deed of Trust, offered said property for sale to the highest bidder for cash, at public outcry, at the front (South) door of the Davidson County Courthouse located at One Public Square, Nashville, Davidson County, Tennessee, at 11:00 o'clock A.M. on Thursday, March 11, 2010, and **THE BANK OF NASHVILLE** (hereinafter "Grantee"), being the highest and best bidder thereof, became the purchaser of said property at and for the sum of **ONE HUNDRED FIVE THOUSAND AND NO/100 ($105,000.00) DOLLARS**, which sum was set off against the secured indebtedness.

NOW, THEREFORE, Marcy E. Shelton, in her capacity as Successor Trustee, and not otherwise, in consideration of the premises and payment of the sum stated above, hereby transfers and conveys to the Grantee, its successors and assigns, certain real property, situated in Davidson County, Tennessee, described as follows:

Land in Davidson County, Tennessee, being Lot No. 68 on the Final Plat for The Townhomes at Windsor Green, Phase 1, Section 2, of record in Instrument No. 20030417-0051548, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Being the same property conveyed to Jeffrey Dial and wife, Jennifer Dial by deed from Dial Properties, LLC, of record in Instrument No. 20080521-0052149, Register's Office for Davidson County, Tennessee, and part of the property previously conveyed to Dial Properties, LLC by deed from USI Properties, Inc. of record in Book 10832, page 144, Register's Office for Davidson County, Tennessee.

The street address of this property is 124 Canton Court, Goodlettsville, Tennessee 37072.

This conveyance is made subject to:

1. Any and all unpaid real property taxes, including delinquent 2008 Metro taxes, plus penalty, interest and costs, and 2009 Metro taxes, as well as 2008 and 2009 Goodlettsville taxes.

2. Declaration of Covenants, Conditions and Restrictions, for The Townhomes of Windsor Green, including but not limited to easement, assessments, special assessments, charges and liens, contained in instrument of record in Book 11164, page 69, as amended by Instrument No. 20011108-0122758, Register's Office for Davidson County, Tennessee.

3. Matters shown on the Plan of record in Instrument No. 20030417-0051548, Register's Office for Davidson County.

4. Easement of record in Book 4377, page 94, Register's Office for Davidson County.

5. Agreement for dedication of Easement for Sanitary Sewers of record in Book 6117, page 290, Register's Office for Davidson County.

6. Right of the State of Tennessee to redeem the property as provided for in Tennessee Code Annotated § 67-1-1433(c)(i). A copy of the notice given to the State of Tennessee pursuant to § 67-1-1433, and the written response of the State of Tennessee to said notice, attached hereto as Exhibits A and B, respectively.

7. Any other matters encumbering the subject property which have a priority over the Deed of Trust.

TO HAVE AND TO HOLD the aforesaid real property free from the equity of redemption, the statutory right of redemption, exemptions of homestead, rights by virtue of marriage, and all other rights and exemptions of every kind, all of which have been waived in the

Deed of Trust, in as full and complete manner as the undersigned, in her capacity as Successor Trustee, and not otherwise, has the power to convey the same.

Marcy E. Shelton, as Successor Trustee, and not otherwise, warrants the title to said property to the Grantee, and its successors and assigns, against the lawful claims of all persons claiming by, through or under her, but not otherwise.

IN WITNESS WHEREOF, this instrument has been executed on this the 11h day of March, 2010.

Marcy E. Shelton, Successor Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **MARCY E. SHELTON, SUCCESSOR TRUSTEE**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 11th day of March, 2010.

Notary Public

My Commission Expires: 3-9-13

IVA J. BINKLEY
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY, TENN.

396228.1/2009428

GULLETT SANFORD
ROBINSON & MARTIN PLLC
Established 1942

GSRM
Attorneys at Law

TELEPHONE | 615.244.4994
FACSIMILE | 615.256.6339
WEBSITE | GSRM.COM

February 8, 2010

VIA HAND DELIVERY

Tennessee Department of Revenue
Attn: Tessa Stromatt
Andrew Jackson Building, 4th Floor
500 Deaderick Street
Nashville, Tennessee 37242

Re: Notice of Nonjudicial Foreclosure by Marcy E. Shelton, Successor Trustee, under Construction Deed of Trust, Assignment of Rents and Security Agreement dated April 27, 2005, executed by Dial Properties, LLC, of record as Instrument Number 2005428-0047281, Register's Office for Davidson County, Tennessee to secure a Promissory Note made payable to The Bank of Nashville, secured by certain real estate located at 124 Canton Court, Goodlettsville, Tennessee 37072

Dear Tessa:

This is to notify you of a nonjudicial sale of the property referenced above, as more particularly described herein.

In accordance with TCA Section 67-1-1433, the following information is provided:

1. The name and address of the person submitting this Notice of Sale is:

Marcy E. Shelton
Gullett, Sanford, Robinson & Martin, PLLC
315 Deaderick Street, Suite 1100
P.O. Box 198888
Nashville, TN 37219-8888

2. A copy of the Notice of State Tax Lien affecting the property to be sold is enclosed. Such notice is described as follows:

Notice of State Tax Lien of record as Instrument Number 20100120-0004818, filed with the Register of Deeds Office for Davidson County, Tennessee, against Dial Properties, LLC, 9000 Church Street East, Brentwood, TN 37027-5285, in January 2010, Entity ID Number: 62-1670656.

EXHIBIT A

GSRM
Attorneys at Law

3. The property affected by this notice of sale is real estate located at 124 Canton Court, Goodlettsville, Tennessee 37072, being more particularly described as follows:

Land in Davidson County, Tennessee, being Lot No. 68 on the Final Plat for The Townhomes at Windsor Green, Phase 1, Section 2, of record in Instrument No. 20030417-0051548, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Being the same property conveyed to Jeffrey Dial and wife, Jennifer Dial by deed from Dial Properties, LLC, of record in Instrument No. 20080521-0052149, Register's Office for Davidson County, Tennessee, and part of the property previously conveyed to Dial Properties, LLC by deed from USI Properties, Inc. of record in Book 10832, page 144, Register's Office for Davidson County, Tennessee.

4. The date, time, place and terms of the sale of the property are as follows:

(a) Date: Thursday, March 11, 2010

(b) Time: 11:00 a.m.

(c) Place: At the front (south) door of the Davidson County Courthouse located at One Public Square, Nashville, Davidson County, Tennessee.

(d) Terms of Sale: Sale offer for sale to the highest bidder, or if the highest bidder fails to perform within a reasonable time in the sole discretion of the Trustee, then to the next highest bidder without the necessity for re-advertisement, for cash, and free from the statutory right of redemption, the equity of redemption, homestead, elective or distributive share, and all other rights and exemptions as provided in said Deed of Trust, subject, however, to the following: (i) Any and all unpaid real property taxes, including delinquent 2008 Metro taxes, plus penalty, interest and costs, and 2009 Metro taxes, as well as 2008 and 2009 Goodlettsville taxes.; (ii) Declaration of Covenants, Conditions and Restrictions, for The Townhomes of Windsor Green, including but not limited to easement, assessments, special assessments, charges and liens, contained in instrument of record in Book 11164, page 69, as amended by Instrument No. 20011108-0122758, Register's Office for Davidson County, Tennessee; (iii) Matters shown on the Plan of record in Instrument No. 20030417-0051548, Register's Office for Davidson County; (iv) Easement of record in Book 4377, page 94, Register's Office for Davidson County; (v) Agreement for dedication of Easement for Sanitary Sewers of record in Book 6117, page 290, Register's Office for Davidson County; (vi) Right of the State of Tennessee to redeem the property as provided for in Tennessee Code Annotated Section 67-1-1433(c)(1) and (vii) Any other matters encumbering the subject property which have a priority over the Deed of Trust.

GSRM
Attorneys at Law

5. This sale is made pursuant to a Construction Deed of Trust, Assignment of Rents and Security Agreement dated April 27, 2005, of record as Instrument Number 2005428-0047281, Register's Office for Davidson County, Tennessee, securing a Promissory Note made payable to The Bank of Nashville, of certain real estate then owned by Dial Properties, LLC located at 124 Canton Court, Goodlettsville, TN 37072, and Appointment of Successor Trustee of record as Instrument Number 20091112-0104551, Register's Office for Davidson County, Tennessee, copies of which are enclosed.

This notice is served upon you in accordance with the provisions of TCA Section 67-1-1433. A duplicate of this notice is also enclosed. Please indicate the date and time received on the duplicate and return it to the undersigned to acknowledge receipt of this notice.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

Marcy E. Shelton

MES/job
Enclosure

396262.1/2009428

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

February 9, 2010

Marcy E. Shelton
Gullett Sanford Robinson & Martin PLLC
P.O. Box 198888
Nashville, Tn 37219-8888

Re: Foreclosure Sale of Property Owned by: **Dial Properties LLC**
Entity Number: **001 621670656**

This is in reference to your letter dated February 8, 2010 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 **March 11, 2010** is **$ 14,496.40**. *(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.

Tessa Stromatt, Accounting Technician 1
Special Procedures Section
Revenue Enforcement Division
Tennessee Department of Revenue

EXHIBIT B

SP/bt
c: *file*