BILL GARRETT, Davidson County
Trans:T20100025928 DEEDTRS
Recvd: 04/30/10 11:57 8 pgs
Fees:43.00 Taxes:749.25
20100430-0033038

This Instrument Prepared By:
Marshall L. Hix, Esquire
HIX & GRAY, PLC
1230 Regions Center
315 Deaderick Street
Nashville, Tennessee 37238

Name of New Owner:	Send Tax Bills To:	Map and Parcel No.:
Pinnacle National Bank 2019 Richard Jones Rd. Nashville, TN 37215	SAME	156 00 0 014.06

SUCCESSOR TRUSTEE'S DEED

WHEREAS, default was made in the terms, conditions and payments provided for in a Deed of Trust dated April 13, 2004, executed by John D. Tate, Jr. and Sabrina Hughes-Tate (collectively, "Grantor"), recorded April 22, 2004, and filed of record as Instrument No. 20040422-0045677, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), wherein Grantor conveyed to Jason K. West, Trustee, the hereinafter described real property (the "Property") to secure a Promissory Note, *et-cetera* (the "Note"), payable to Pinnacle National Bank, successor by merger to PrimeTrust Bank, as described in the Deed of Trust; and

WHEREAS, Pinnacle National Bank, the owner and holder of the indebtedness secured by the Deed of Trust, replaced Jason K. West, Trustee, and appointed Marshall L. Hix and Frank H. Reeves, Successor Trustees, under the Deed of Trust by Appointment of Successor Trustees of record as Instrument No. 20091222-0116395, Register's Office for Davidson County, Tennessee with authority for either of them to act alone with the powers given the Trustee in the Deed of Trust; and

WHEREAS, Grantor has defaulted under the terms of the Note secured by the Deed of Trust and Pinnacle National Bank, the owner and holder of the Note, has demanded that the Property be advertised and sold with the cash proceeds (or credit upon the indebtedness secured if

Pinnacle National Bank is the successful purchaser) applied to the outstanding balance due under the Note and the cost of foreclosure in accordance with the terms and provisions of the Note and Deed of Trust; and

WHEREAS, Marshall L. Hix, Successor Trustee, caused the Property to be advertised in accordance with the provisions of the Deed of Trust, advertising that the Property would be sold at 11:30 o'clock a. m., prevailing time on Friday, February 5, 2010, at the south front door of the Davidson County Court House, Nashville, Davidson County, Tennessee, to be knocked off and sold to the highest, best and last bidder for cash (or credit upon the indebtedness secured if Pinnacle National Bank is the successful purchaser), and free from the equity of redemption, homestead, dower, and all other exemptions as provided in the Deed of Trust; but subject to any and all mortgages, liens, claims and unpaid taxes which may be a prior lien against said property; and

WHEREAS, the sale was adjourned and continued from time to time by the Successor Trustee as provided in the Notice of Foreclosure Sale and finally scheduled for April 30, 2010, at 11:30 a.m.; and

WHEREAS, Marshall L. Hix, Successor Trustee, personally appeared at the south front door of the Davidson County Court House on Friday, April 30, 2010, at 11:30 o'clock a. m. and offered the Property for sale at public outcry and the highest, best and last bid received was the sum of Two Hundred Two Thousand Five Hundred and 00/100 Dollars ($202,500.00) by Pinnacle National Bank (hereinafter referred to as "Grantee"), and the Property was knocked off and sold to Grantee.

NOW, THEREFORE, in consideration of the premises and sum of Two Hundred Two Thousand Five Hundred and 00/100 Dollars ($202,500.00) cash in hand paid (or credit upon the indebtedness secured if Pinnacle National Bank is the successful purchaser) by Grantee, Marshall

L. Hix, Successor Trustee, has this day bargained and sold and, by the premises, does transfer and convey to Grantee, its successors and assigns, a certain tract or parcel of land situated partially in Davidson County, Tennessee, and described as follows:

> Being Lot No. 13, Section 2, on the Plan of Harpeth Heights, not of record, described as follows:
>
> BEGINNING on the northwesterly margin of Highway No. 100 at a point south 53 degrees 30' west 300 feet from the southwest corner of the property conveyed to James H. Cates and wife, by deed from E.U. Buchi and wife, of record in Book 3612, page 29, Register's Office for said County; thence north 36 degrees west 787.2 feet to the center of Harpeth River; thence with the center of said River south 45 degrees 30' west 151.5 feet; thence south 36 degrees east 766.1 feet to the northwesterly margin of Highway No. 100; thence with said Highway north 53 degrees 30' east 150 feet to the beginning.
>
> Being the same property conveyed to John D. Tate, Jr. and wife, Sabrina J. Hughes-Tate, by Deed from Rudie Jean Hood, dated December 11, 2003, of record as Instrument No. 20031212-0178336, Register's Office of Davidson County, Tennessee.
>
> This is property known as 7872 Highway 100, Nashville, Tennessee 37221.

To have and to hold the Property with the appurtenances, estate, title and interest thereto belonging to Grantee, its successors and assigns forever.

And the Successor Trustee covenants with Grantee that he is lawfully seized and possessed of the Property as Successor Trustee only and, by the terms of the Deed of Trust, has a good right to sell and convey the Property and that Property is unencumbered except for any and all prior mortgages, liens, claims, and any and all unpaid taxes that may be a lien against the Property.

The Successor Trustee further covenants and binds himself, his successors and assigns, to warrant and forever defend the title to the Property to Grantee, its successors and assigns, against the lawful claims of any persons claiming by or through him as Successor Trustee, but no further or otherwise; it being the intention of the Successor Trustee only to convey to Grantee no greater title

in the Property than he received as Successor Trustee and that, as Successor Trustee, he has the right to sell and convey.

The Internal Revenue Service has filed tax liens against John D. Tate, of record as Instrument No. 20090427-0037686, Register's Office for Davidson County, Tennessee. The notice required by 26 U.S.C. §7425(b) has been timely furnished to the United States, and the sale of the Property will be subject to the right of the United States to redeem the Property. Copies of the notices furnished to the Internal Revenue Service by certified mail, return receipt requested, and the return receipts therefor are attached hereto as Collective Exhibit A.

This sale is subject to all matters shown on any applicable recorded plat or plan; any unpaid taxes which exist as a lien against the Property; any restrictive covenants, easements or setback lines that may be applicable; any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal; and any prior encumbrances that may exist against the Property. This sale is also subject to any matter that an accurate survey of the Property might disclose.

Witness my hand effective as of April 30, 2010.

Marshall L. Hix, Successor Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public of this county, Marshall L. Hix, Successor Trustee, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand at office, this 30th day of April, 2010.

NOTARY PUBLIC

STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires SEPT. 3 2012

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $202,500.00.

AFFIANT

Subscribed and sworn before me on this 30th day of April, 2010.

NOTARY PUBLIC

KAY M. TENPENNY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires SEPT 3 2012

7000 0520 0018 7962 1509

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

1/8/10 kt
Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
District Director of IRS/USCthouse
Street, Apt. No., or PO Box No.
801 Broadway, MDP S3
City, State, ZIP+4
Nashville, TN 37203/Attn: Chief Specid

PS Form 3800, February 2000 See Reverse for [illegible]

TE THIS SECTION

2, and 3. Also complete
Delivery is desired.
d address on the reverse
rn the card to you.
the back of the mailpiece,
ace permits.

rector of IRS
way, MDPS3
TN 37203
Special Procedures

label) 7000 0520 0018 7962 1509

uary 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) TRACY Brown C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
JAN 11 JAN 13 2010
Internal Revenue Service
Nashville Mail Center

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

EXHIBIT Collective A

HIX & GRAY, PLC
ATTORNEYS AT LAW
1230 REGIONS CENTER
315 DEADERICK STREET
NASHVILLE, TENNESSEE 37238
TELEPHONE (615) 254-4444
TELECOPIER (615) 254-4445

January 8, 2010

VIA CERTIFIED MAIL/RETURN
RECEIPT NO. 7000 0520 0018 7962 1509

District Director of Internal Revenue
United States Courthouse
801 Broadway, MDP 53
Nashville, Tennessee 37203

Attn: Chief, Special Procedures

Copy

RE: Notice of Non-Judicial Foreclosure
Request for Waiver of Right of Redemption
Request for Consent for Sale Free and Clear of Liens

Name of Taxpayer: John D. Tate, Jr. (XXX-XX-3376)
Property: 7872 Highway 100
Nashville, Tennessee 37221

Dear Sir or Madam:

This letter is notice to you pursuant to 26 U.S.C. § 745(c) of the proposed non-judicial foreclosure sale by and on behalf of this firm's clients, Pinnacle National Bank, successor by merger to PrimeTrust Bank ("Pinnacle"), the owner and holder of certain obligations owed by the above taxpayer in the aggregate amount of $318,452.52 as of December 31, 2009 (the "Obligations"). The Obligations are secured by a Deed of Trust. The subject property is located at 7872 Highway 100, Nashville, Tennessee 37221 (the "Property").

This correspondence is for the purposes of informing and requesting the Internal Revenue Service consent to the sale of the Property free and clear of the lien evidenced by the Notice of Federal Tax Lien under Internal Revenue Laws dated April 17, 2009, and filed for record as Instrument No. 20090427-0037686, Register's Office for Davidson County, Tennessee, a copy of which is attached. In support of this request, this firm on behalf of its client, submits the following information:

1. The undersigned is the attorney for Pinnacle, who is the owner and holder of the Obligations owed under a certain Unconditional Guarantee dated April 13, 2004, in favor of Pinnacle guaranteeing obligations of Just A to Z Academy under an SBA guaranteed loan in the original amount of $341,575.00. The Obligations are secured by a Deed of Trust of record as Instrument No.

20040422-0045677, Register's Office for Davidson County, Tennessee. There is an unpaid balance in the amount of $318,452.52 as of December 31, 2009. Pursuant to the terms of the loan documents evidencing the Obligations, Pinnacle is entitled to attorney fees and expenses, including foreclosure costs, as part of the indebtedness secured by the Deed of Trust.

2. Attached hereto is a title opinion prepared by this firm opining as to the present status of the title to the Property. The title opinion also lists other encumbrances which are both senior and junior to the lien of the Internal Revenue Service.

3. Attached is the Notice of Foreclosure Sale to be published in a newspaper of general circulation in Davidson County, Tennessee, in accordance with Tennessee law as well as the terms of the Deed of Trust. The non-judicial foreclosure sale is scheduled for Friday, February 5, 2010, at 11:30 a.m. The Property will be sold subject to, among other things, the indebtedness secured by the Deed of Trust.

The Current Property Appraisal of the Property for tax purposes prepared by the Davidson County Tax Assessor is $179,000.00. An Appraisal and Report Identification prepared by Newman Appraisal Services indicates the fair market value of the Property on November 25, 2009, was estimated to be $270,000.00. IN light of the current appraisal and present conditions of the real estate market in the Davidson County area, it is believed that there is no equity over and above the amounts secured by the first priority Deed of Trust held by Pinnacle. Copies of these appraisal documents are enclosed.

The facts stated in this letter are true to the best of the undersigned's knowledge, information and belief and have been supplied by the owner of the Obligations, a review of the public records as contained in the Register's Office for Davidson County, Tennessee, or from sources engaged by the undersigned to certify the status of the chain of title. This notice and application for consent to the sale is submitted in duplicate and it is requested that a copy of this notice be acknowledged and returned to this office, indicating the time and date of receipt. Please advise whether this notice complies with the requirements of the Internal Revenue Service.

Sincerely,

Marshall L. Hix

MLH/kmt
Enclosures