BILL GARRETT, Davidson County
Trans:T20100052678 DEEDTRS
Recvd: 08/24/10 14:58 10 pgs
Fees:53.00 Taxes:2664.00
20100824-0067078

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:** |
|---|---|---|
| Asset Management<br>Mail Code: ALBH-40402B<br>2050 Parkway Office Circle<br>Hoover, AL 35244 | SAME | 116 10 0 098.00 |

## SUCCESSOR TRUSTEE'S DEED

This instrument is made and entered into as of August 24, 2010, by and between Joseph R. Prochaska, Successor Trustee (hereinafter referred to as "Successor Trustee"), and Regions Bank.

WHEREAS by Deed of Trust dated November 27, 2001, of record at Instrument Number 20011128-0130138, Register's Office for Davidson County, Tennessee (the "Deed of Trust 1"), Michael J. Rose and Carole C. Rose conveyed to Vaden Lackey, Jr., as Trustee, the hereinafter described real estate, to secure payment to Union Planters Bank of a promissory note dated November 27, 2001 (the "Note 1"); and

WHEREAS by Deed of Trust dated December 23, 2002, of record at Instrument Number 20030228-0026459 (the "Deed of Trust 2") Michael J. Rose, Jr. and Carole C. Rose conveyed to Vaden Lackey, Jr. as Trustee, the hereinafter described real estate, to secure payment to Union Planters Bank of a promissory note dated December 23, 2002 (the "Note 2"); and

*(hereinafter Deed of Trust 1 and Deed of Trust 2 shall be referred to collectively as Deed of Trust and Note 1 and Note 2 shall be referred to as Note)*

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 instruments of record at Instrument Number 20100607-0043783 and Instrument Number 20100527-0040793 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* that the property would be sold at 10:00 a.m. on August 6, 2010 at the main door of the Courthouse in Nashville, County, Tennessee, such advertisement appearing in said paper on July 16, July 23 and July 30, 2010, and sent a copy of such notice to Debtor and following such notice the default was not cured; and

WHEREAS, notice of this sale was provided to the Internal Revenue Service in accordance with the terms of Section 7425 of the Internal Revenue Code of 1986, because of that certain lien filed by the Internal Revenue Service at Instrument Number 20100528-0041193, and copies of the letter sent by the Successor Trustee, the lien of the Internal Revenue Service, and the response from the Internal Revenue Service are attached hereto as collective Exhibit A; 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 Regions Bank at the price of $720,000.00 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 $720,000.00, by these presents do transfer to Regions Bank, 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:

> Land in Davidson County, Tennessee, being Lot No. 6 on the Plan of Bransford Realty Company's Berkeley Hills Subdivision, as of record in Plat Book 547, pages

57 and 58, Register's Office for said County, to which plan reference is made for a more complete description.

Being the same property conveyed to Michael J. Rose, married by deed from Donald F. Berschback and wife, Kathryn L. Berschback of record as Instrument No. 20011128-0130137, said Register's Office.

Property Address: 213 Belle Meade Blvd., Nashville, TN 37205

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. Said sale is also subject to such redemption rights as are available to the United States, as provided for in 26 U.S.C. §7425(a)(1).

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 24th day of August, 2010.

Jessica Rigsby
Notary Public

JESSICA RIGSBY
STATE OF TENNESSEE NOTARY PUBLIC
RUTHERFORD COUNTY

My commission expires: 4-16-2011

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The actual consideration or value, whichever is greater, for this transfer is $720,000.00

Affiant

Sworn to and Subscribed
before me this the 24th
day of August, 2010.

Notary Public

My commission expires: 4-16-2011



PTQ&F
PROCHASKA | QUINN + THOMPSON | FERRARO

July 12, 2010

**VIA CERTIFIED U.S. MAIL**

Internal Revenue Service
Area Director — Compliance
801 Broadway, MDP-53
Nashville, Tennessee 37203
ATTN: Technical Services

**Re: Section 7425 Notice of Sale ("Notice")**

Dear Area Director:

This firm represents Regions Bank who holds a Promissory Note executed by Michael J. Rose, Jr. dated November 27, 2001 in the original principal amount of $800,000.00 and a Promissory Note executed by Michael J. Rose dated December 23, 2002 in the original principal amount of $1,750,000.00 (collectively, the "Note") This Note is secured by a Deed of Trust dated November 27, 2001 and recorded as Instrument No.20011128-0130138 of the Register's Office of Davidson County, Tennessee and a Deed of Trust dated December 23, 2002 and recorded as Instrument No. 20030228-0026459 (collectively, the "Deed of Trust"). The Note is in default and demand for payment of the amount in default has been made, but such demand has not been honored. The holder of the Note and Deed of Trust has declared the Note to be in default so that full payment of the Note is now required, has demanded that the property covered by the Deed of Trust be sold, and has directed that the sale be advertised and property sold in full or partial satisfaction of the indebtedness represented by the Note, including the costs of the foreclosure.

It is my understanding that the Internal Revenue Service has filed Notice of Federal Tax Lien against the property, which notice was filed in the Register's Office of Davidson County where the property is located. This notice is being submitted to you pursuant to Section 7425 of the Internal Revenue Code of 1986, as amended, as follows:

1. This Notice is submitted by Prochaska Thompson Quinn & Ferraro, P.C. and Joseph R. Prochaska, as Successor Trustee each at 401 Church Street, Suite 2600, Nashville, Tennessee 37219-2208 at phone No. (615) 242-0060, on behalf of Regions Bank

2. The Nashville District of Internal Revenue Service has filed Notice(s) of Federal Tax Lien(s) ("Tax Lien Notice") against Michael J. Rose, Jr. in the initial amount of $67,780.17 The address of said taxpayer as shown on the Tax Lien Notice is 213 Belle Meade Boulevard, Nashville, Tennessee 37205-3417. The Tax Lien Notice, in the amount of $67,780.17, bears Serial Number 659109310 and was dated May 22, 2010, and is of record as Instrument No. 20100528-0041193, Register's Office of Davidson County, Tennessee having been recorded at the Register's Office on May 28, 2010. A copy of the Tax Lien Notice is enclosed herewith for your convenience.

Joseph R. Prochaska
SHAREHOLDER

t (615) 244-4563
f (615) 242-0124
joeprochaska@ptqflegal.com

NASHVILLE OFFICE
L&C Tower
401 Church St. Ste 2600
Nashville, Tennessee 37219

t (615) 242-0060
f (615) 242-0124
nashville@ptqflegal.com
WWW.PTQFLEGAL.COM

3. The street address of the property affected by this Notice is 213 Belle Meade Boulevard, Nashville, Tennessee (the "Property"), and said property being more particularly described in **Exhibit A**, which is enclosed herewith.

4. The real property herein described will be sold at public auction for cash on August 6, 2010 at 10:00 a.m. at the front door of the Davidson County Courthouse in Nashville, Tennessee. Enclosed herewith is a copy of the Notice of Continued Successor Trustee's Sale.

5. The total indebtedness secured by the Deed of Trust as of June 3, 2010 is approximately **$1,196,658.73**, plus the expenses and attorneys' fees incurred in connection with this foreclosure. It is anticipated that additional costs and expenses in this foreclosure will not be less than $700.00.

6. The Property herein described is also subject to the following encumbrances we have found of record as of July 12, 2010:

The Property is subject to:

(a) General or special taxes and assessments required to be paid in the year 2010 and subsequent years for Map-Par. 116-10-0-098.

(b) Davidson County taxes for 2009, Map-Par. 116-10-0-098, $12,790.19, Unpaid, plus penalty, interest and cost.

(c) City of Belle Meade taxes for 2009, Map-Par. 116-10-0-098, $822.74, Unpaid, plus penalty, interest and cost.

(d) Davidson County taxes for 2008, Map-Par. 116-10-0-098, $14,678.33, of which $101.43 is Paid and $14,576.90 is Unpaid, plus penalty, interest and cost.

(e) Deed of Trust executed by Michael J. Rose and Carole C. Rose, husband and wife to Vaden Lackey, Jr., Trustee, of record as Instrument No. 20011128-0130138, said Register's Office, dated November 27, 2001, to secure to Union Planters Bank, National Association an indebtedness in the amount of $800,000.00, and any other sums which may be and become payable under the terms thereof, including, but not limited to, principal interest and service fee.

(f) Deed of Trust executed by Michael J. Rose and Carole C. Rose, husband and wife to Vaden Lackey, Jr., Trustee, of record as Instrument No. 20030228-0026459, said Register's Office, dated December 23, 2002, to secure to Union Planters Bank, National Association, an indebtedness in the amount of $1,175,000.00, and any other sums which may be and become payable under the terms thereof, including, but not limited to, principal interest and service fee. (See instrument for complete terms and conditions as well as possible rights and options of the mortgagee, including rights respecting assumption of the debt secured thereby.)

Please accept his letter as the twenty-five (25) day notice required by Section 7425 of the Internal Revenue Code of 1986, as amended, which notice must be given to the Secretary of Treasury or his/her

delegate as provided for by the relevant federal regulations. Please advise me immediately of any deficiency or inadequacy of this notice.

Sincerely,

**Prochaska Thompson Quinn & Ferraro, P.C.**

Joseph R. Prochaska

Enclosures

EXHIBIT A

Land in Davidson County, Tennessee, being Lot No. 6 on the Plan of Bransford Realty Company's Berkeley Hills Subdivision, as of record in Plat Book 547, pages 57 and 58, Register's Office for said County, to which plan reference is made for a more complete description.

Being the same property conveyed to Michael J. Rose, married by deed from Donald F. Berschback and wife, Kathryn L. Berschback of record as Instrument No. 20011128-0130137, said Register's Office.

Property Address: 213 Belle Meade Blvd., Nashville, TN 37205

3592

**Form 668 (Y)(c)**
(Rev. February 2004)

Department of the Treasury - Internal Revenue Service

# Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #5
Lien Unit Phone: (800) 913-6050

Serial Number
659109310

For Optional Use by Recording Office

**As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.**

BILL GARRETT, Davidson County
Trans:T20100032163 LIENFTL
Recvd: 05/28/10 08:44 1 pgs
Fees:12.00 Taxes:0.00
[redacted]
20100528-0041193

Name of Taxpayer MICHAEL J ROSE JR

Residence 213 BELLE MEADE BLVD
NASHVILLE, TN 37205-3417

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|---|---|---|---|---|---|
| 1040 | 12/31/2008 | XXX-XX-8084 | 11/23/2009 | 12/23/2019 | 67780.17 |

Place of Filing
Register of Deeds
Davidson County
Nashville, TN 37201

Total $ 67780.17

This notice was prepared and signed at NASHVILLE, TN, on this,

the 22nd day of May, 2010

Signature. R. A. Mitchell
for REBECCA BOWMAN

Title
TP SERVICE SPEC
(501) 396-5723

25-97-5501

**(NOTE:** Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

**Part 1 - Kept By Recording Office**

Form **668(Y)(c)** (Rev. 2-2004)
CAT. NO 60025X

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, D.C. 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

July 15, 2010

Prochaska, Quinn, Thompson & Ferraro
L & C Tower, 401 Church Street, Suite 2600
Nashville, Tennessee 37219

Dear Mr. Prochaska:

This is to acknowledge receipt of your correspondence dated July 12, 2010 regarding Michael J. Rose, Jr., 213 Belle Meade Boulevard, Nashville, Tennessee 37205, TIN XXX-XX-8084. Your notice is considered adequate for a non-judicial sale under the provisions of Section 7425 of the Internal Revenue Code of 1986.

If the property is sold for more than the total due on the foreclosing instrument, any excess proceeds are subject to the lien(s) of the Internal Revenue Service. Send excess proceeds to the address shown below.

The Internal Revenue Service reserves its right to redeem real property. If you desire to submit an application for release of our right of redemption, you may request a copy of Publication 487, by calling 1-800-TAX-FORM. A payment may be required to secure a release.

**We are enclosing a blank "Report Of Sale". Within fifteen (15) days from the day of sale, please complete the report and return it to the address on the Report of Sale. If the sale is canceled, please provide a brief explanation as to the reason.**

**If you have any questions, please contact Wendy Smoot, badge number 1000342330, telephone number, (615)250-5093, fax to (615)250-6008, or write to 801 Broadway, MDP 53, Nashville, TN 37203. Thank you for your cooperation.**

Sincerely,

Cynthia Blaze
for Leticia Dunn
Technical Services Group Manager

Enclosure

RECEIVED
JUL 19 2010