BILL GARRETT, Davidson County
Trans:T20100066607 DEEDTRS
Recvd: 10/20/10 15:28 7 pgs
Fees:38.00 Taxes:740.65
20101020-0084128

Name & Address of Owner for Tax Bills:
Franklin Funding, Inc.
c/o Investors Service Company
1108 Battlewood Street
Franklin, TN 37069

Prepared by:
David G. Mangum, Attorney
2303 Franklin Road
Nashville, TN 37204

MAP/PARCEL: 164-00-0 060.00

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, under a Deed of Trust dated April 2, 2009, recorded in Instrument No. 20090413-0033272, Register's Office, **Davidson** County, Tennessee, **Chun Ok Song and husband, Leslie J. Cappama**, conveyed to Mary Frances Rudy, Trustee, the hereinafter described property to secure the therein mentioned indebtedness; and

WHEREAS, by instrument recorded in Instrument No. 20100127-0006961 said Register's Office, the lawful owner and holder of the indebtedness described in and secured by the aforementioned Deed of Trust, nominated and appointed David G. Mangum as Substitute Trustee; and

WHEREAS, default having been made in the terms, conditions, and payments made and provided for in said Deed of Trust, and the lawful owner and holder of said indebtedness having declared the entire debt and interest due and payable; and

WHEREAS, the lawful owner and holder of said indebtedness having requested David G. Mangum, Substitute Trustee, to sell said property in satisfaction of the indebtedness; and

WHEREAS, I David G. Mangum, Substitute Trustee, did give proper notice by certified mail, return receipt requested, at least 25 days in advance of sale, to the Internal Revenue Service giving the time, place and terms of the sale; and subsequent receipt of reply from the Internal Revenue Service dated August 26, 2010, stating that my letter does comply with the provisions of Section 7425 of the Internal Revenue Code of 1986, copies of which are attached to this Substitute Trustee's Deed; and

WHEREAS, I David G. Mangum, Substitute Trustee, did give proper notice by certified mail, return receipt requested, at least 25 days in advance of sale, to the Tennessee Department of Labor and Workforce Development, Employment Security Division, giving the time, place and terms of the sale; and subsequent receipt of reply from the Tennessee Department of Labor and Workforce Development, Employment Security Division, dated August 23, 2010, stating that my letter is accepted as being timely and adequate.

WHEREAS, I, David G. Mangum, Substitute Trustee, did give 25 days notice of the time, place and terms of the sale by an advertisement in three weekly publications in *The Davidson AM, of the Tennessean*, a newspaper published in Davidson County, Tennessee, said advertisement appearing in the editions of said newspaper under the dates of August 27, September 3, and September 10, 2010, stating that on Monday, September 20, 2010 at 12:00 Noon, in the hallway just

outside the Davidson County Register of Deeds Office located inside the Bridgestone Arena, formerly known as the Sommet Center, 501 Broadway, Downtown Nashville, Tennessee, said property hereinafter described would be sold to the best and highest bidder for cash at public outcry, free from the equity of redemption, homestead, dower, and all other exemptions which are expressly waived in said Deed of Trust, but subject to any and all unpaid real estate taxes; and

WHEREAS, on said date at the time and place stated in said advertisement, and on said terms, I, David G. Mangum, Substitute Trustee, offered said property for sale at public outcry and sold said property to **Franklin Funding, Inc.**, its successors and assigns, for $200,176.52, which amount was the highest, best, and last bid.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE SUM of the highest, best, and last bid, as set out above, cash in hand paid, the receipt of which is hereby acknowledged, I, **David G. Mangum, Substitute Trustee**, do hereby bargain and sell, and by these presents transfer and convey unto the said **Franklin Funding, Inc.,** (hereinafter referred to as Grantee), its successors and assigns, the following described tract or parcel of land situated and lying in **Davidson** County, Tennessee, and more particularly described as follows:

A Tract or parcel of land in the 2nd, formerly the 3rd Civil District of Davidson County, Tennessee, being part of Lot No. 2 on the Plan of the lands of James Mitchell, deceased, of record in Minute Book "P", Page 36, County Court for said County, described as follows:

BEGINNING in the center of Hamilton Church Road at the southwest corner of the property conveyed to F. H. Wheeler by deed from Mattie S. Cathey, of record in Book 772, page 521, Register's Office for said County; thence South 4 deg. West 52 poles to a post, Scruggs' northwest corner; thence with Scruggs' northerly line, South 86 deg. East 22.4 poles to a gate post; thence North 4 deg. East 43.6 poles to the center of said Road; thence with the center of said road, North 60 deg. West 24 poles, more or less to the beginning.

DEED REFERENCE:
BEING the same property conveyed to Chun Ok Song, married by Quitclaim Deed from Franklin Funding, Inc. dated April 3, 2009, of record in Instrument No. 20090413-0033271, Register's Office for Davidson County, Tennessee.

ALSO BEING the same property conveyed to Franklin Funding, Inc. by Substitute Trustee's Deed of record in Instrument No. 20090317-0023684, said Register's Office.

AND ALSO BEING the same property conveyed to Leslie Cappama, married, by deed from Margaret Fakes, a widow, dated August 25, 2005, of record in Instrument No. 20050830-0103878, Register's Office for Davidson County, Tennessee.

MAP/PARCEL: 164-00-0 060.00 (Previous deed shows 6.6 acres // Trustee shows 5.7 acres.)

PROPERTY ADDRESS: 3527 Hamilton Church Road, Antioch, TN as shown on the tax maps of the Assessor of Property for Davidson County, TN.

This sale is subject to any and all unpaid real estate taxes; restrictive covenants, easements and setback lines; any and all redemption rights, including rights of redemption of any governmental agency, State or Federal; and any and all other prior liens or encumbrances against said real property, including but not limited to that Deed of Trust in favor of Tennessee Funding Company of record in Instrument No.20070312-0030004, said Register's Office. Said sale is further subject to matters that an accurate survey of the property might disclose.

TO HAVE AND TO HOLD said property with the appurtenances, estate, title, and interest thereto belonging to said Grantee, its successors and assigns forever, but subject to said real estate taxes and aforementioned Deed of Trust.

And I do further transfer and assign unto the said Grantee all the rights and benefits of the covenants and warranties in said Deed of Trust in as full and ample manner as under it, I can or should do, but I convey and assign as Trustee and not any further or otherwise.

WITNESS my hand on this the 20th day of October, 2010.

David G. Mangum, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **David G. Mangum,** Substitute Trustee, the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, on this the 20th day of October, 2010.

Notary Public

My Commission Expires: 11-21-2012

MELISSA A. NESBITT STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $200,176.52.

Affiant

Subscribed and sworn before me, this 20th day of October, 2010.

My Commission Expires: 11-21-2012 Notary Public

#65383

MELISSA A. NESBITT STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

David G. Mangum
Attorney at Law

David G. Mangum
Attorney

Kellie Riley
Bankruptcy Specialist

Chrissy de Pool
Bankruptcy Assistant

2303 Franklin Road – Nashville, TN 37204
Telephone (615) 255-8690
Facsimile (615) 255-2766
davidmangum@davidmangum.com

Missy Nesbitt
Foreclosure/Recovery Coordinator

Emily Schmit
Accounts Receivable

Kay Farmer
Special Projects

August 19, 2010

Via Certified Mail - Return Receipt Requested
Internal Revenue Service
Area Director – Compliance
Attn: Technical Support
801 Broadway, MDP 53
Nashville, TN 37203

COPY

Re: **Notice of Non-Judicial Sale**
Taxpayer: T & C Leasing and Excavating, a Partnership
William Turner and Leslie Cappama
Identifying Number: 20-8572253

Dear Sir/Madam:

Enclosed please find a Notice of Federal Tax Lien filed against the above taxpayer, of record in Instrument No. 20081222-0121828, Register's Office of Davidson County, TN.

Also enclosed you will find a Notice of Substitute Trustee Sale pertaining to certain real property owned by Chun Ok Song, married, by Deed from Franklin Funding, Inc., with a property address of 3527 Hamilton Church Rd., Antioch, TN 37013, to be sold on Monday, September 20, 2010 at 12:00 Noon, by the undersigned as Substitute Trustee, pursuant to the terms and provisions of that certain Deed of Trust described in said foreclosure notice, a copy of which is attached.

Franklin Funding, Inc., beneficiary under said Deed of Trust, has a principal obligation of $192,727.00 on the subject property, plus accrued interest through date of sale. It is estimated that the foreclosure expenses pertaining to each sale will be in the approximate amount of $2,500.00.

Other interest parties include: Leslie Cappama, husband of Chun Ok Song; Tennessee Funding Company (1st mortgage holder); Tennessee Dept of Revenue; Tennessee Dept. of Labor & Workforce Dev.; and Trustee for Davidson Metro Nashville for property taxes.

Very truly yours,

David G. Mangum

DGM/mn
Attachments
File #68091

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IRS
Area Director – Compliance
Attn: Technical Support
801 Broadway, MDP 53
Nashville, TN 37203

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x Holly Redding ☐ Agent ☐ Addressee

B. Received by (Printed Name) Holly Redding
C. Date of Delivery

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

RECEIVED
AUG 20 2010
Internal Revenue Service
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

7010 0290 0002 6861 0734

Cappama #68091

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

SMALL BUSINESS/SELF-EMPLOYED DIVISION

August 26, 2010

David G. Mangum
Attorney at Law
2303 Franklin Rd
Nashville, TN 37204

Dear Mr. Mangum:

This is to acknowledge receipt of your correspondence dated August 19, 2010 regarding T & C Leasing & Excavating, 3527 Hamilton Church Rd, Antioch, TN 37013, TIN 20-8572253. 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 LaSonia Kimes, badge number 1000342229, telephone number, (615)250-5647, fax to (615)250-6008, or write to 801 Broadway, MDP 53, Nashville, TN 37203. Thank you for your cooperation.

Sincerely,

for Leticia Dunn
Technical Services Group Manager

Enclosure

STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
EMPLOYMENT SECURITY DIVISION
Legal Office
220 French Landing, 3B
Nashville, Tennessee 37243
(615) 741-3170
(615) 532-7386 FAX

August 23, 2010

Mr. David G. Mangum
Attorney at Law
2303 Franklin Road
Nashville, TN 37204

RE: Property of William Turner/Leslie Cappama dba T & C Leasing & Excavating
TDLWD Acct. #0602-270 4
TDLWD Lien #09-3783 (Davidson County)
Notice of Substitute Trustee's Sale

Dear Mr. Mangum:

Your letter of August 19, 2010, is acknowledged, along with the attendant Notice of Substitute Trustee's Sale, and this will respectfully advise:

1. That said Notice is accepted as being timely and adequate; and,

2. That the amount of delinquent unemployment taxes, penalty and interest computed to date of sale is $2,326.75.

It is requested that you further advise us after the sale regarding: (i) actual proceeds of sale; (ii) net mortgage balance owed to the foreclosing creditor; (iii) sale costs; (iv) other liens, and this Agency's apparent position of priority with respect to same; and, (v) your proposed distribution of sale proceeds.

Should you have further questions regarding this matter, please let us know.

Sincerely,

Alfred M. Smith, Jr.
Counsel to Commissioner

AMS:PDR

cc: Employer Accounts

David G. Mangum
Attorney at Law

David G. Mangum
Attorney

Kellie Riley
Bankruptcy Specialist

Chrissy de Pool
Bankruptcy Assistant

2303 Franklin Road – Nashville, TN 37204
Telephone (615) 255-8690
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davidmangum@davidmangum.com

Missy Nesbitt
Foreclosure/Recovery Coordinator

Emily Schmit
Accounts Receivable

Kay Farmer
Special Projects

August 19, 2010

Via Certified Mail, Return Receipt Requested
State of Tennessee, Department of Labor and Workforce Development
Employment Security Legal Division
220 French Landing Drive
Nashville, TN 37243

COPY

Re: **Notice of Non-Judicial Sale**
Taxpayer: William Turner/Leslie Cappama, each individually and as partners d/b/a/ T & C Leasing & Excavating
Account No.: 0602-270 4; Lien No.: 09-3783; County: Davidson

Dear Sirs:

Pursuant to our title search, we find that the State of Tennessee, Department of Labor & Workforce Dev. has a Tax Lien of record in Instrument No.:20090618-0056614, in the Register's Office of Davidson County, Tennessee, in an amount to be determined, in the name of the above-taxpayer.

Enclosed please find a notice of Substitute Trustee Sale pertaining to certain real property owned by **Chun Ok Song, married, (husband-Leslie Cappama)**, located at 3527 Hamilton Church Rd., Antioch, TN, to be sold on Monday, September 20, 2010 at 12:00 Noon, by the undersigned as Substitute Trustee, pursuant to the terms and provisions of that certain Deed of Trust described in said foreclosure notice, a copy of which is attached.

Franklin Funding, Inc., beneficiary under said Deed of Trust, has a principal obligation of $192,727.00, plus accrued interest through date of sale. It is estimated that the foreclosure expenses pertaining to the sale will be in the approximate amount of $2,500.00.

The other interested parties are: Federal Tax Lien filed against T&C Leasing and Excavating, a partnership William Turner and Leslie Cappama (husband of Chun Ok Song) of record by Instrument No.20081222-0121828; State of Tennessee, Dept of Revenue Tax Liens of record in Instrument No.:20100630-0051018, 20090325-0026775 and 20090526-0047709 against Chun Ok Song dba Sonrise Market; and State Tax Lien of record in Instrument No.:20090526-0047710 against Leslie Cappama (husband of Chun Ok Song).

Very truly yours,

David G. Mangum

DGM/mn
Attachments: TN Dept of Labor & Workforce Dev. Lien
Substitute Trustee's Sale
Deed of Trust

File #68091

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
TN Dept. of Labor & Workforce Dev.
Emp. Security Legal Div.
220 French Landing Dr
Nashville, TN 37243

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Debbie Mullins ☐ Agent ☐ Addressee

B. Received by (Printed Name) Debbie Mullins
C. Date of Delivery 8/20/10

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

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

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

7010 0290 0002 6861 0758

Cappa-mgt-68091

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540