BILL GARRETT, Davidson County
Trans:T20100077717 DEEDTRS
Recvd: 12/09/10 14:03 15 pgs
Fees:78.00 Taxes:266.40
20101209-0098209

This instrument prepared by:
Prochaska Thompson Quinn
& Ferraro, P.C. (THH)
401 Church Street, Suite 2600
Nashville, TN 37219

Address New Owner:	Send Tax Bills To:	Map-Parcel Numbers:
Kenneth L. Woods, and wife Marva B. Woods 3016 Palomino Place Hermitage, TN 37076	same	064-09-0A-038

SUCCESSOR TRUSTEE'S DEED

This instrument is made and entered into as of November 30th, 2010, by and between Todd H. Hancock, Successor Trustee (hereinafter referred to as "Successor Trustee"), and Kenneth L. Woods and wife, Marva B. Woods.

WHEREAS by Deed of Trust dated March 9, 2004, of record at Instrument 20040311-0027924, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), Barry Construction Co. conveyed to William W. Winfree, as Trustee, the hereinafter described real estate, to secure payment to The Bank of Nashville of a promissory note dated March 9, 2004 (the "Note"); and

WHEREAS, the lawful holder of the Note, The Bank of Nashville, appointed Todd H. Hancock to serve as Successor Trustee in accordance with the terms of said Deed of Trust by an instrument of record at Instrument No. 20100930-0078056, 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 A.M. Section of *The Tennessean* that the property would be sold at 11:00 a.m. on Monday, November 8, 2010, at the site of the property as agreed to by the parties in Old Hickory, Davidson County, Tennessee, such advertisement appearing in said paper on October 15,22 and 29, 2010, and sent a copy of such notice to Debtor and following such notice the default was not cured; 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 Kenneth L. Woods and wife, Marva B. Woods at the price of $72,000.00, this being the highest, last and best bid;

NOW, THEREFORE, I, Todd H. Hancock, Successor Trustee as aforesaid, in consideration of the premises and the sum of $72,000.00, by these presents do transfer to Kenneth L. Woods and wife, Marva B. Woods, and their successors, 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 Unit 4412 on the plan of Southfork Condominiums, of record in Book 6250, page 386, said Register's Office, and appended as Exhibit B to the First Amendment to Master Deed of record in Book 6994, page 447, said Register's Office, to which plan reference is hereby made for a more complete legal description, said unit being more particularly described by the Master Deed for Southfork Condominiums, Phase One, of record in Book 6783, page 839, said Register's Office and amended and made applicable by First Amendment to Master Deed of record in Book 6994, page 447, Register's Office for said County.

Together with any and all other Property, both real and personal, as that term is defined in the Deed of Trust and further described below.

All buildings, improvements and tenements now or hereafter erected on the property, and all heretofore or hereafter vacated alleys and streets abutting the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water, water rights, and water stock appurtenant to the property, and all fixtures, machinery, equipment, boilers, incinerators, building materials, appliances and goods of every nature whatsoever now or hereafter located in, or on, or used or intended to be used in connection with the property, including, but not limited to, those for the purposes of supplying or distributing heating, cooling, electricity, gas, water, air and light; and all elevators, and related machinery and equipment, fire prevention and extinguishing apparatus, security and access control apparatus, plumbing, bath tubs, water heaters, sinks, ranges, stoves, refrigerators, dishwashers, disposals, washers, dryers, awnings, storm windows, storm doors, screens, blinds, shades, curtains and curtain rods, mirrors, cabinets, paneling, rugs, attached floor coverings, furniture, pictures, antennas, trees and plants, and all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the real property covered by this Instrument; and all of the foregoing, together with said property, are herein referred to as the "Property".

Personal property was sold along with the real estate as one sale and employing the provisions of Tennessee Code Annotated 47-9-604(a)(2) and (b)(2).

Being part of the same property conveyed to BARRY CONSTRUCTION CO., by deed from C. HOOPER DEVELOPMENT COMPANY, INC., of record as Book 6678, page 249, dated October 7, 1985, said Register's Office. Being further conveyed to BARRY ZEITLIN and wife, LINDA P. ZEITLIN by deed from BARRY CONSTRUCTION COMPANY, of record as Book 11251, page 438, dated December 9, 1998, said Register's Office. Being further conveyed to BARRY CONSTRUCTION CO., by quitclaim instrument of correction of record in Book 11719, page 747, dated October 25, 1999, said Register's Office.

Property Address: 4412 South Trace Boulevard
Old Hickory, TN 37138

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 or which affect the land herein conveyed.

Attached hereto as Collective Exhibit A are copies of the notice letter to the Tennessee Department of Revenue referencing the tax lien of Record at Instrument Number 20100624-0049284, the response letter from the Department of Revenue, a cover letter to the Department of Revenue referencing the sale report and tax lien document, the notice letter to the Internal Revenue Service referencing the tax lien of Record at Instrument Number 20100917-007394, and the response letter from the Internal Revenue Service.

WITNESS the signature of the Successor Trustee on this the day and date first above written.

TODD H. HANCOCK
Successor Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Thomas I. Bottorff, a Notary Public of said County and State, TODD H. HANCOCK, 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 30th day of November, 2010

Notary Public
My commission expires: 11/24/2013

THOMAS I. BOTTORFF STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

STATE OF TENNESSEE)
COUNTY OF Williamson)

The actual consideration or value, whichever is greater, for this transfer is $72,000.00

Affiant

Sworn to and Subscribed
before me this the 30th
day of November, 2010.

Notary Public
My Commission Expires: 11/24/2013

THOMAS I. BOTTORFF STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

PTQ&F
PROCHASKA | QUINN +
THOMPSON | FERRARO

October 13, 2010

Via Hand Delivery

Tax Enforcement Division
Tennessee Department of Revenue
Andrew Jackson State Office Building
Nashville, Tennessee 37242
Attn: Chief , Special Procedures Section

Re: T.C.A. § 67-1-1433 Notice of Sale

Dear Sir or Madam:

This firm represents Wells Fargo Bank, N.A. who holds a Promissory Note executed by Barry Construction Company, Inc. ("Borrower") dated March 9, 2004, in the original principal amount of $1,700,000.00. Said Note is secured by a Deed of Trust, Assignment of Rents and Security Agreement dated March 9, 2004 and recorded at Instrument No. 20040311-0027924 in the Register's Office of Davidson County, Tennessee. 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 sold in satisfaction of said indebtedness and the costs of foreclosure.

It is my understanding that the Tennessee Department of Revenue has filed a notice of state tax lien against the property, which notice was filed in the Register's Office of Davidson County, Tennessee. Accordingly, this notice is being submitted to you pursuant to T.C.A. § 67-1-1433 as follows:

1. This Notice is submitted by Prochaska Thompson Quinn & Ferraro, P.C., 401 Church Street, Suite 2600, Nashville, Tennessee 37219-2208, on behalf of The Bank of Nashville.

Todd H. Hancock
ASSOCIATE

t (615) 467-5753
f (615) 242-0124
toddhancock@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

2. Tennessee Department of Revenue has filed a Notice of State Tax Lien ("Tax Lien Notice") against Barry Construction Co., in an unspecified amount. The address of said taxpayers as shown on the Tax Lien Notice is 2 Buckland Abbey, Nashville, Tennessee 37215-4117. The Tax Lien Notice was dated June 19, 2010, and is of record Instrument No. 20100624-0049284, Register's Office of Davidson County, Tennessee having been recorded at said Register's Office on June 24, 2010. **A copy of said Tax Lien Notice is enclosed herewith for your convenience.**

3. The street address of the property affected by this Notice is 4412 South Trace Boulevard, Old Hickory, Tennessee 37138, said property being more particularly described as that certain real property situated in Davidson County, Tennessee, as follows:

> Land in Davidson County, Tennessee, being Unit 4412 on the plan of Southfork Condominiums, of record in Book 6250, page 386, said Register's Office, and appended as Exhibit B to the First Amendment to Master Deed of record in Book 6994, page 447, said Register's Office, to which plan reference is hereby made for a more complete legal description, said unit being more particularly described by the Master Deed for Southfork Condominiums, Phase One, of record in Book 6783, page 839, said Register's Office and amended and made applicable by First Amendment to Master Deed of record in Book 6994, page 447, Register's Office for said County.
>
> Together with any and all other Property, both real and personal, as that term is defined in the Deed of Trust and further described below.

Property Address: 4412 South Trace Boulevard
Old Hickory, TN 37138

Being the same property conveyed to Barry Construction Co., by deed from C. Hooper Development Company, Inc., of record at Book 6678, page 249, dated October 7, 1985, said Register's Office. Being further conveyed to Barry Zeitlin and wife, Linda P. Zeitlin by deed from Barry Construction Company, of record at Book 11251, page 664, dated December 9, 1998, said Register's Office. Being further conveyed to Barry Construction Co, by quitclaim instrument of correction of record in Book 11719, page 747, dated October 25, 1999, said Register's Office.

4. The real property herein described will be sold at public auction for cash on Monday, November 8, 2010 at 11:00 a.m. at 4412 South Trace Boulevard, Old Hickory, Tennessee. **Enclosed herewith is a copy of the Notice of Foreclosure.**

5. The total indebtedness secured by the Deed of Trust as of October 12, 2010 is approximately $143,701.50, plus the expenses and attorneys' fees incurred in connection with this foreclosure. The per diem rate of interest for every day after the date is $23.33. It is anticipated that additional costs and expenses in this foreclosure will not be less than $5,000.00.

The property herein described is also subject to the following encumbrances we have found of record as of September 23, 2010:

6. The Nashville District of Internal Revenue Service has filed a Notice of Federal Tax Lien ("Tax Lien Notice") against Barry Construction Co. in the initial amount of $236,819.77. The address of said taxpayers as shown on the Tax Lien Notice is 2 Buckland Abbey, Nashville, TN 37215-4117. The Tax Lien Notice, in the amount of $236,819.77, bears Serial Number 698698810 and was dated September 10, 2010, and is of record at Instrument No. 20100917-007394, Register's Office of Davidson County, Tennessee having been recorded at the Register's Office on September 17, 2010.

7. Judgment by The Metropolitan Government of Nashville and Davidson County, dated October 16, 2009 against Barry Construction Company, Inc., jointly and severally, in the amount of $182,733.19 plus prejudgment interest at the rate of 10% per annum, of record at Instrument No. 20100202-0008404, Register's Office for Davidson County, Tennessee.

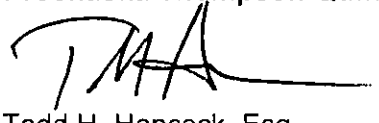
8. Judgment by The Metropolitan Government of Nashville and Davidson County, dated October 16, 2009 against Barry Construction Company, Inc. and JCH Development Company, Inc., in the amount of $32,637.00 plus prejudgment interest at the rate of 10% per annum, of record at Instrument No. 20100202-0008404, Register's Office for Davidson County, Tennessee.

9. Notice of Lien filed by Southfork Condominium Association against Barry Construction Company in the amount of $1,014.00 plus attorney and recording fees, assessments and related expenses, of record at Instrument No. 20100318-0020579, Register's Office for Davidson County, Tennessee.

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

Very truly yours,

Prochaska Thompson Quinn & Ferraro, P.C.

By: 

Todd H. Hancock, Esq.

THH/akw
Enclosures

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

October 14, 2010

Todd H. Hancock
Prochaska Thompson Quinn & Ferraro
401 Church St., Ste. 2600
Nashville, Tn 37219

Re: Foreclosure Sale of Property Owned by: **Barry Construction Co.**
Entity Number: **001 620678146**
Property Address: 4412 South Trace Blvd.

This is in reference to your letter dated October 13, 2010 regarding a foreclosure sale of property owned by the above captioned taxpayer(s). Your letter **does not comply** with the provisions of T.C.A. § 67-1-1401 et. seq., however, it will comply by providing a recorded security instrument showing our taxpayer. This item(s) can be provided following the conclusion of the scheduled sale.

If the sale produces more than the amount needed to satisfy the cost of sale, indebtedness indicated in your letter and any other superior liens, an amount equal to the tax liability must be remitted to the State of Tennessee. The amount of tax, penalty and interest due as of **November 8, 2010** is **$ 30,794.16**. *(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

SP/bt
c: *file*

PTQ&F

PROCHASKA | QUINN
THOMPSON | FERRARO

November 23, 2010

VIA FACSIMILE & US MAIL

Tessa Stromatt, Accounting Technician 1
Special Procedures Section
Revenue Enforcement Division
TN Department of Revenue
Andrew Jackson State Office Building
Nashville, TN 37242
Fax: 615-532-6339

RE: Foreclosure of property owned by Barry Construction Co.
Entity Number: 001 620678146
Property Addresses: 4458 South Trace Blvd & 4412 South Trace Blvd

Dear Ms. Stromatt:

Enclosed please find Accounting of Sale forms with regard the above referenced entity and properties. I have also enclosed a copy of the Tax Lien and the Deed of Trust.

Should you need any additional information, please do not hesitate to contact our office.

Sincerely yours,

Prochaska Thompson Quinn & Ferraro, P.C.

By: Jessica Rigsby

Jessica Rigsby - Paralegal

/mjr
Enclosure(s)

Joseph R. Prochaska
Sabin R. Thompson
Harris P. Quinn
Victoria A. Ferraro

NASHVILLE OFFICE
[illegible]

PTQ&F

PROCHASKA | QUINN |
THOMPSON | FERRARO

October 13, 2010

VIA HAND DELIVERY

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

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

Dear Area Director:

This firm represents Wells Fargo Bank, N.A. who holds a Promissory Note executed by Barry Construction Company, Inc. ("Borrower") dated March 9, 2004, in the original principal amount of $1,700,000.00. Said Note is secured by a Deed of Trust, Assignment of Rents and Security Agreement dated March 9, 2004 and recorded at Instrument No. 20040311-0027924 in the Register's Office of Davidson County, Tennessee. Due to the Borrowers' defaults under the Note, the holder of the same made a demand for payment of the amounts due; however, such demand was not honored. The holder of the Note and Deed of Trust declared the Note in default rendering full payment of the Note required and demanded that the property covered by the Deed of Trust be sold, and has directed that the sale be advertised and property sold with proceeds to be applied to said indebtedness and the costs of the foreclosure.

It is my understanding that the Internal Revenue Service has filed a 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., 401 Church Street, Suite 2600, Nashville, Tennessee 37219-2208, on behalf of The Bank of Nashville.

Todd H. Hancock
ASSOCIATE

t (615) 467-5753
f (615) 242-0124
toddhancock@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

2. The Nashville District of Internal Revenue Service has filed a Notice of Federal Tax Lien ("Tax Lien Notice") against Barry Construction Co. in the initial amount of $236,819.77. The address of said taxpayers as shown on the Tax Lien Notice is 2 Buckland Abbey, Nashville, TN 37215-4117. The Tax Lien Notice, in the amount of $236,819.77, bears Serial Number 698698810 and was dated September 10, 2010, and is of record at Instrument No. 20100917-007394, Register's Office of Davidson County, Tennessee having been recorded at the Register's Office on September 17, 2010.

A copy of the Tax Lien Notice is enclosed herewith for your convenience.

3. The street address of the property affected by this Notice is 4412 South Trace Boulevard, Old Hickory Tennessee 37138, 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 Monday November 8, 2010 at 11:00 a.m. at 4412 South Trace Boulevard. Enclosed herewith is a copy of the Notice of Substitute Trustee's Sale.

5. The total indebtedness secured by the Deed of Trust as of October 12, 2010 is approximately $143,701.50, plus the expenses and attorneys' fees incurred in connection with this foreclosure. The per diem rate of interest for every day after the date is $23.33. It is anticipated that additional costs and expenses in this foreclosure will not be less than $5,000.00.

The property herein described is also subject to the following encumbrances we have found of record as of September 23, 2010:

6. Notice of State Tax Lien filed by the Tennessee Department of Revenue against Barry Construction Co. in an unspecified amount, of record at Instrument No. 20100624-0049284, Register's Office for Davidson County, Tennessee.

7. Judgment by The Metropolitan Government of Nashville and Davidson County, dated October 16, 2009 against Barry Construction Company, Inc., jointly and severally, in the amount of $182,733.19 plus prejudgment interest at the rate of 10% per annum, of record at Instrument No. 20100202-0008404, Register's Office for Davidson County, Tennessee.

8. Judgment by The Metropolitan Government of Nashville and Davidson County, dated October 16, 2009 against Barry Construction Company, Inc. and JCH Development Company, Inc., in the amount of $32,637.00 plus prejudgment interest at the rate of 10% per annum, of record at Instrument No. 20100202-0008404, Register's Office for Davidson County, Tennessee.

9. Notice of Lien filed by Southfork Condominium Association against Barry Construction Company in the amount of $1,014.00 plus attorney and recording fees, assessments and related expenses, of record at Instrument No. 20100318-0020579, Register's Office for Davidson County, Tennessee.

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.

Todd H. Hancock

THH/akw
Enclosures

EXHIBIT A
LEGAL DESCRIPTION

Land in Davidson County, Tennessee, being Unit 4558 on the plan of Southfork Condominiums, of record in Book 6250, page 386, said Register's Office, and appended as Exhibit B to the First Amendment to Master Deed of record in Book 6994, page 447, said Register's Office, to which plan reference is hereby made for a more complete legal description, said unit being more particularly described by the Master Deed for Southfork Condominiums, Phase One, of record in Book 6783, page 839, said Register's Office and amended and made applicable by First Amendment to Master Deed of record in Book 6994, page 447, Register's Office for said County.

Together with any and all other Property, both real and personal, as that term is defined in the Deed of Trust and further described below.

Property Address: 4412 South Trace Boulevard
Old Hickory, TN 37138

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

SMALL BUSINESS/SELF-EMPLOYED DIVISION

October 14, 2010

P.T.Q & F.
L & C Tower
400 Church St, Suite 2600
Nashville, TN 37219

Dear Mr. Hancock:

This is to acknowledge receipt of your correspondence dated October 13, 2010 regarding Barry Construction Co., 4412 South Trace Blvd, Old Hickory, TN 37138, TIN 62-0678146. 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,

Leticia Dunn
Technical Services Group Manager

Enclosure

RECEIVED
OCT 16 2010