Tennessee/FHA
Map: #43-2-66

Jerry Givens
MIDLAND: #53189442
FHA: #4833317823703

BILL GARRETT, Davidson County
Trans:T20110007799 DEEDTRS
Recvd: 02/07/11 10:38 3 pgs
Fees:17.00 Taxes:0.00
20110207-0010557

**SUBSTITUTE TRUSTEE'S DEED**

WHEREAS, by Deed of Trust dated August 11, 2003, and recorded in REGISTER'S INSTRUMENT: #20030822-0122533, in the Register's Office of Davidson County, Tennessee, Jerry W. Givens and wife, Juanita F. Givens, conveyed to Dennie R. Marshall Trustee(s), the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the holder of the debt secured appointed the undersigned as Substitute Trustee by instrument of record in #20101015-0082600 in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS, in pursuance of said request by said beneficiary, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of said Deed of Trust by which advertisement the sale was appointed to be held on November 9, 2010, at the outside door of the Register of Deeds office located at 501 Broadway Suite 501, Bridgestone Center, of Davidson County, Tennessee; and,

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which time the said property was struck off and sold to MIDFIRST BANK, a corporation, at and for the sum of EIGHTY THREE THOUSAND EIGHT HUNDRED TEN DOLLARS AND 00/100, that being the highest and best bid offered; and,

WHEREAS, the said MIDFIRST BANK has assigned its interests in the said property to THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON, D.C., his successors and assigns; and,

WHEREAS, the purchaser, being the holder of the indebtedness, has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by MIDFIRST BANK of the sum of money so paid, receipt of which is hereby acknowledged, the undersigned ELIZABETH A. CASH, as Substitute Trustee, does hereby grant, bargain, sell and convey to the said SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON, D.C., his successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Madison, County of Davidson, State of Tennessee, to-wit:

**"PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO:"**

JERRY W. GIVENS AND WIFE, JUANITA F. GIVENS, THEIR HEIRS AND ASSIGNS, obtained title to the above referenced real estate by Deed of record in BOOK: #11651, PAGE: #758, Register's Office of Davidson County, Tennessee.

Subject to any unpaid taxes;

Notice of the Right to Foreclose has been given in compliance with T.C.A. § 35-5-117.

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON, D.C., his successors and assigns, in fee simple forever, to whom the said ELIZABETH A. CASH, Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under her, as such Substitute Trustee, but not further or otherwise.

The said Substitute Trustee has applied the consideration as follows:

| | |
|---|---|
| RECORDING APPOINTMENT OF SUBSTITUTE TRUSTEE | 12.00 |
| PUBLICATION EXPENSE | 362.50 |
| ATTORNEY'S FEES AND TRUSTEES FEES | 600.00 |
| CREDIT ON NOTE | 82,835.50 |
| | $83,810.00 |

Whenever used, the singular number shall include the plural; the plural the singular, the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the said ELIZABETH A. CASH, Substitute Trustee, on November 9, 2010 has hereunto set her hand and seal.

Elizabeth A. Cash Substitute Trustee
ELIZABETH A. CASH, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On November 9, 2010, before me, a Notary Public, in and for said State and County, duly commissioned and qualified, personally appeared ELIZABETH A. CASH, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that ahe executed the same as Substitute Trustee and as her free act and deed.

WITNESS my hand and Notarial Seal at office the day and year above written.

Brenda L. Doyle
NOTARY PUBLIC

BRENDA L. DOYLE
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Comm. Exp. 8-22-2012

MY COMMISSION EXPIRES:

NO TAX

PROPERTY ADDRESS
624 MAY DRIVE
MADISON, TENNESSEE 37115

PROPERTY OWNER AND
AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
DEPARTMENT OF HUD
C/O MICHAELSON, CONNOR & BOUL
4400 WILL ROGERS PARKWAY, SUITE 300
OKLAHOMA CITY, OKLAHOMA 73108-1837

**RETURN TO:**
THIS INSTRUMENT PREPARED BY:
WEISS SPICER CASH, PLLC
ATTORNEYS AT LAW
208 ADAMS AVENUE
MEMPHIS, TENNESSEE 38103-1991
901-526-8296

STATE OF TENNESSEE - COUNTY OF SHELBY
THE ACTUAL CONSIDERATION OF TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS
$*******EXEMPT********EXEMPT********EXEMPT********
AFFIANT Elizabeth A. Cash
SUBSCRIBED AND SWORN TO BEFORE ME, November 9, 2010
NOTARY PUBLIC Brenda L. Doyle
MY COMMISSION EXPIRES 8.22.2012

BRENDA L. DOYLE
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Comm. Exp. 8-22-2012

## LEGAL DESCRIPTION

LAND IN DAVIDSON, TENNESSEE, BEING LOT #19, ON THE PLAN OF FAIRVIEW SUBDIVISION, SECTION #2, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK: #3600, PAGE: #6, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION. ALSO:

LAND IN DAVIDSON COUNTY, TENNESSEE, AND BEING A PORTION OF RESERVED PARCEL A ON THE PLAN OF FAIRVIEW, SECTION #2 OF RECORD IN PLAT BOOK: #3600, PAGE: #6, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE EASTERNMOST COMMON CORNER OF LOTS #18 AND #19 ON THE PLAN OF FAIRVIEW, SECTION #2;

THENCE WITH THE EASTERLY LINE OF LOT #19 NORTH 21 DEGREES 31 MINUTES 00 SECONDS WEST 72.91 FEET TO AN IRON PIN AT THE EASTERNMOST CORNER OF LOT #19 OF SECTION #2 AND LOT #90 OF FAIRVIEW SECTION #3;

THENCE NORTH 68 DEGREES 26 MINUTES 57 SECONDS EAST 114.27 FEET TO AN IRON PIN;

THENCE SOUTH 17 DEGREES 13 MINUTES 55 SECONDS EAST 73.12 FEET TO AN IRON PIN;

THENCE SOUTH 68 DEGREES 26 MINUTES 57 SECONDS WEST 108.81 FEET TO THE POINT OF BEGINNING,

CONTAINING 0.19 ACRES MORE OR LESS.

THIS CONVEYANCE IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS, SETBACK LINES, AND ENCUMBRANCES OF RECORD IN THE REGISTER'S OFFICE FOR THE AFORESAID COUNTY.