BILL GARRETT, Davidson County
Trans:T20110007910 DEEDTRS
Recvd: 02/07/11 13:03 6 pgs
Fees:33.00 Taxes:261.10
20110207-0010699

PREPARED BY AND RETURN TO:
Shapiro & Kirsch, LLP, Attorney
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
Fax (901)761-5690

Name: Merrillyn Evans

S&K#: 10-008785

**SUBSTITUTE TRUSTEE'S DEED**

WHEREAS, by Deed of Trust dated February 22, 2005, recorded in Instrument No. 20050224-0020666 in the Register's Office of Davidson County, Tennessee, Merrillyn Evans, a single person conveyed to Alfred E. Abbey, Trustee, 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 Instrument Number 20101208-0097564, 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 Notice of the Right to Foreclose has been timely given in compliance with Tennessee Code Annotated §35-5-117.

WHEREAS, the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS, pursuant to T.C.A. § 35-5-101 Notice of the Foreclose Sale including the date, time, location, and terms of the sale was timely given by mailing a copy of the Notice of Sale by registered or certified mail, return receipt requested, to all parties entitled to said notice.

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 sale Deed of Trust by which advertisement the sale was appointed to be held on January 27, 2011, at the Davidson County Courthouse in Nashville, Tennessee, at 1:00PM; 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 U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2005-3, Home Equity Pass-Through Certificates, Series 2005-3, whose address is Ocwen Loan Servicing, LLC, 1661 Worthington Road; Suite 100, P.O. Box 24737, West Palm Beach, Florida 33415, at and for the sum of $70,566.99, that being the highest and best bid offered; 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 U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2005-3, Home Equity Pass-Through Certificates, Series 2005-3 the sum of money so paid, receipt of which is hereby acknowledged, the undersigned, Shapiro & Kirsch, LLP, as Substitute Trustee, does hereby grant, bargain, sell and convey to the said U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2005-3, Home Equity Pass-Through Certificates, Series 2005-3 his successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Nashville, County of Davidson, State of Tennessee, to-wit:

Described property located in Davidson County, Tennessee, to wit:

Lot 14-A on the Plan of Zone Lot Division Lot Numbers 10-16 and 18-43, Edge-O-Lake, Section 21, as of record in Plat Book 6900, Page 256, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20050224-0020666 in the Register's Office of Davidson County, Tennessee.

The grantor received title to the above-captioned real estate by Deed of Trust of record in Instrument No. 20050224-0020666 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 20050224-0020665, in the Register's Office for Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements, State and Federal tax liens and any other matter of record.

SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.
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 U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2005-3, Home Equity Pass-Through Certificates, Series 2005-3 his successors and assigns, in fee simple forever, to whom the said Shapiro & Kirsch, LLP, Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP, Substitute Trustee, has hereunto set his hand and seal on the date written below.

Shapiro & Kirsch, LLP

D. Denise Griffin, Managing Foreclosure Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 27th day of January, 2011, before me, a Notary Public, in and for said State and County, personally appeared D. Denise Griffin, with whom I am personally acquainted, and who, upon oath acknowledged to be Managing Foreclosure Attorney of Shapiro & Kirsch, LLP the within named bargainor, a limited liability partnership, and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Partnership.

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

06/01/14
My commission expires:

Notary Public

CLAIRE H. JULIAN STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. JUNE 01, 2014

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief the actual consideration for this transfer is $70,566.99 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me on the date written above.

06/01/14
My commission expires:

Notary Public

CLAIRE H. JULIAN STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. JUNE 01, 2014

**PROPERTY ADDRESS:** 714 Clearwater Court, Nashville, Tennessee 37217

**PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2005-3, Home Equity Pass-Through Certificates, Series 2005-3
1661 Worthington Road; Suite 100
P.O. Box 24737
West Palm Beach, Florida 33415

**S & K File #10-008785**
**Map & Parcel -149 04 0 260.00**

**PREPARED BY AND RETURN TO:**
**Shapiro & Kirsch, LLP, Attorney**
**555 Perkins Road Extended, Second Floor**
**Memphis, TN 38117**
**(901)767-5566**
**Fax (901)761-5690**

Department of Defense Manpower Data Center Feb-01-2011 12:32:42

Military Status Report
Pursuant to the Service Members Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Active Duty End Date | Service Agency |
|---|---|---|---|---|---|
| EVANS | MERRILLYN | Based on the information you have furnished, the DMDC does not possess any information indicating the individual status. | | | |

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL http://www.defenselink.mil/faq/pis/PC09SLDR.html. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***
Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***
Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:JUPKE32OHR

0101386833

# Affidavit of Publications

**Newspaper:** THE TENNESSEAN

**State Of Tennessee**

**TEAR SHEET ATTACHED**

**Account Number:** 529232

**Advertiser:** FORECLOSURE IN TN, A DIVISION

**RE:** 10-008785 Evans $900.00

I, Eric Domkowski **Sales Assistant** for the

above mentioned newspaper, hereby certify that the attached

advertisement appeared in said newspaper on the following dates:

1/6/2011 1/13/2011 1/20/2011

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Eric Domkowski

10-008785

Ad. No. 0101386693

**SUBSTITUTE TRUSTEE'S SALE**

Sale at public auction will be on January 27, 2011 at 1:00 PM local time, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by Merrilyn Evans, a single person, to Alfred E. Abbey, Trustee, on February 22, 2005 at Instrument No. 20050224-0020656; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Owner of Debt: U.S. Bank N.A., in its capacity as Trustee for the registered holders of Home Equity Asset Trust 2005-3, Home Equity Pass-Through Certificates, Series 2005-3

The following real estate located in Davidson County, Tennessee, will be sold to the highest call bidder subject to all unpaid taxes, prior liens and encumbrances of record:

Described property located in Davidson County, Tennessee, to wit:

Lot 14-A on the Plan of Zone Lot Division Lot Numbers 10-16 and 18-43, Edge-O-Lake, Section 21, as of record in Plat Book 6900, Page 256, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Street Address: 714 Clearwater Court, Nashville, Tennessee 37217

Current Owner(s) of Property: Merrilyn Evans

Other interested parties: Mortgage Electronic Registration Systems, Inc., Sebring Capital Partners, Limited Partnership, Ocwen Loan Servicing, Credit Suisse First Boston, LLC and Ocwen

The street address of the above described property is believed to be 714 Clearwater Court, Nashville, Tennessee 37217, but such address is not part of the legal description of the property sold herein and in the event of any discrepancy, the legal description herein shall control.

SALE IS SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

If applicable, the notice requirements of T.C.A. 35-5-117 have been met.

All right of equity of redemption, statutory and otherwise, and homestead are expressly waived in said Deed of Trust, and the title is believed to be good, but the undersigned will sell and convey only as Substitute Trustee.

The right is reserved to adjourn the day of the sale to another day, time, and place certain without further publication, upon announcement at the time and place for the sale set forth above.

If the highest bidder cannot pay the bid within twenty-four (24) hours of the sale, the next highest bidder, at their highest bid, will be deemed the successful bidder.

This property is being sold with the express reservation that the sale is subject to confirmation by the lender or trustee. This sale may be rescinded at any time.

This office is a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Shapiro & Kirsch, LLP Substitute Trustee
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555 Perkins Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-6566
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File No. 10-088785