RECORDING LEGEND

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

GRANTOR(s)
The Mason Trust

GRANTEE(s)
The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee

This Instrument Prepared By:
Robert M. Wilson, Jr.
WILSON & ASSOCIATES, P.L.L.C.
1521 Merrill Drive, Suite D-220
Little Rock, Arkansas 72211
(501) 219-9388

BILL GARRETT, Davidson County
Trans:T20110011832 DEEDTRS
Recvd: 02/28/11 08:46 5 pgs
Fees:28.00 Taxes:1465.44
20110228-0015779

TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated December 9, 2003 and recorded December 17, 2003, as Instrument No. 20031217-0179840 in the Register's Office of Davidson County, Tennessee, M. Daniel Byrd and Betty B. Byrd conveyed to Atty. Arnold M. Weiss, A Resident of Shelby County, as Trustee for Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Homecomings Financial Network Inc. and Homecomings Financial Network Inc.'s successors and assigns, 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 has appointed **SHELLIE WALLACE** as Successor Trustee and **J.P. SELLERS** as Co-Trustee by instrument of record recorded on February 1, 2011 as Instrument No. 201102010008685 in the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and the holder of said Deed of Trust has requested said Successor Trustee to, upon proper advertisement and notice, sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, in pursuance of said request by said beneficiary, advertisement and notice of the sale identifying all interested parties of said property was made and given conformity with the terms and provisions of said Deed of Trust, and Tenn. Code Ann. Sec. 35-5-104; said advertisement began on January 14, 2011 and was advertised a total of three times, prior to actual sale date. The HB 3588 letter was mailed to the borrower(s) on August 5, 2010 pursuant to Tennessee Code Annotated 35-5-117; and

WHEREAS, pursuant to said advertisement and notice, on February 9, 2011 at the Bridgestone Arena in Nashville, Tennessee, 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 The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, at and for the sum of $396,065.57, that being the highest and best bid offered; and

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

NOW, THEREFORE, in consideration of the premises and the payment by The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee of the sum of money so paid, receipt of which is hereby acknowledged, the undersigned Co-Trustee does hereby grant, bargain, sell, and convey to the said The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, its successors and assigns, the property above mentioned and now further described as being in Davidson County, Tennessee, to wit:

> Land in Davidson County, Tennessee, being lot number 11, Kimpalong Place in Harding Road Section as of record in book 547, page 18, Register's Office for Davidson County, Tennessee, to which plan reference is herein made for a more complete description.
>
> Being the same property conveyed to The Mason Trust by Quitclaim deed recorded October 20, 2010 , as Instrument No. 20101020-0083941, Register's Office for Davidson County, Tennessee.
>
> Commonly known as: 3927 Kimpalong Drive, Nashville, Tennessee 37205.
>
> Tax Parcel No.: 103-16-0-081.00

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any way appertaining unto The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, and unto its successors and assigns.

IN WITNESS WHEREOF, the said Co-Trustee has hereunto set his or her hand and seal this 21 day of Feb, 11.

J.P. Sellers
Co-Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, J.P. Sellers, as Co-Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Co-Trustee for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 21 day of Feb, 11.

Notary Public

My Commission Expires: MISTY M. SOBANSKI Notary Public-Arkansas Faulkner County My Commission Expires 06-03-2015

FORM FOR OATH

I hereby swear and affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $396,065.57, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

J.P. Sellers
Co-Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, J.P. Sellers, as Co-Trustee, with whom I am personally acquainted, and who acknowledged that he or she executed the foregoing Form For Oath for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas, this 21 day of Feb, 11.

Notary Public

My Commission Expires: MISTY M. SOBANSKI Notary Public-Arkansas Faulkner County My Commission Expires 06-03-2015

PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee
500 Enterprise Road
Suite 150
Horsham, PA 19044

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF Pennsylvania

COUNTY OF Montgomery

RE: 3927 Kimpalong Avenue
Nashville, Tennessee 37205
Debtor(s): Betty B. Byrd M. Daniel Byrd and Brandon L. Byrd

BEFORE ME, the undersigned authority, on this day personally appeared Tracie Schmidheiser who after being duly sworn, deposed and stated:

1. I am an employee of The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee for RAMP 2004RS10 and held the position of Authorized Officer with said company at the time of the events hereinafter set forth, and make this Affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.

2. This Affidavit is made with respect to the foreclosure of that certain deed of trust dated December 9, 2003, recorded December 17, 2003, as Instrument No. 20031217-0179840 in the real property records of Davidson County, Tennessee, executed by Betty B. Byrd M. Daniel Byrd and Brandon L. Byrd in favor of Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Homecomings Financial Network Inc. and Homecomings Financial Network Inc.'s successors and assigns to secure the payment of a deed of trust note to Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Homecomings Financial Network Inc. and Homecomings Financial Network Inc.'s successors and assigns.

3. The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee for RAMP 2004RS10 is the holder of or agent for the holder of the indebtedness secured by said deed of trust.

4. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for at least nine (9) months prior to the date of the foreclosure sale the subject hereof.

5. Foreclosure of this property will not be subject to the provisions of 50 U.S.C.S. §501, *et seq.* (the Servicemembers Civil Relief Act).

FURTHER AFFIANT SAYETH NOT.

DATED this 26 day of November, 2010.

Tracie Schmidheiser
Affiant

Authorized Officer of
Title Residential Funding Company, LLC
Attorney in Fact

ACKNOWLEDGMENT

STATE OF Pennsylvania

COUNTY OF Montgomery

Before me, the undersigned notary public of the state and county aforesaid, personally appeared Tracie Schmidheiser, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be the president (or other such officer authorized to execute the instrument) of The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee for RAMP 2004RS10, the within-named bargainor, a corporation, and that such officer executed the foregoing instrument for the purposes therein contained by personally signing the name of the corporation.

Witness my hand and seal at office in Fort Washington this 26 day of November, 2010.

Notary Public

My Commission Expires: 10/19/13

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Cindy A. Stewart, Notary Public
Upper Dublin Twp, Montgomery County
My commission expires October 19, 2013

RETURN TO:

WILSON & ASSOCIATES, P.L.L.C.
1521 Merrill Drive, Suite D-220
Little Rock, Arkansas 72211
(501) 219-9388

Loan No. xxxxxx1105
DSoldierSailorAffidavit_ysmith_101008_1148

COST OF PUBLICATION

First Insertion
Second Insertion
Third Insertion

Total

NOTICE OF TRUSTEE'S SALE

WHEREAS, default has occurred in the performance of the covenants, terms, and conditions of a Deed of Trust Note dated December 9, 2003, and the Deed of Trust of even date securing the same, recorded December 17, 2003, as Instrument No. 20031217-0179840 in Office of the Register of Deeds for Davidson County, Tennessee, executed by M. Daniel Byrd and Betty B. Byrd, conveying certain property therein described to Ally Sheffie Wallace, A Resident of Shelby County for Trustee for Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Homecomings Financial Network Inc. and Homecomings Financial Network Inc.'s successors and assigns; and the undersigned, Sheffie Wallace of Wilson & Associates, P.L.L.C., having been appointed Successor Trustee.

NOW, THEREFORE, notice is hereby given that the entire indebtedness has been declared due and payable; and that an agent of Sheffie Wallace of Wilson & Associates, P.L.L.C., as Successor Trustee, by virtue of the power, duty, and authority vested in and imposed upon said Successor Trustee will, on **February 8, 2011 on or about 10:00 A.M.**, at the Bridgestone Arena, Nashville, Tennessee, offer for sale certain property hereinafter described to the highest bidder **FOR CASH**, free from the statutory right of redemption, homestead, dower, and all other exemptions which are expressly waived in the Deed of Trust, said property being real estate situated in Davidson County, Tennessee, and being more particularly described as follows:

Land in Davidson County, Tennessee, being Lot Number 21, Kimpalong Place in Harding Road Section as of record in Book 647, Page 18, Register's Office for Davidson County, Tennessee, to which plan reference is herein made for a more complete description.

ALSO KNOWN AS: 3937 Kimpalong Drive, Nashville, Tennessee 37205

The HB 3568 letter was mailed to the borrower(s) pursuant to Tennessee Code Annotated 35-5-117. This sale is subject to all matters shown on any applicable recorded plat; any unpaid taxes; any restrictive covenants, easements, or setback lines that may be applicable; any statutory rights of redemption of any governmental agency, state or federal; any prior liens or encumbrances as well as any priority created by a fixture filing; and to any matter that an accurate survey of the premises might disclose. In addition, the following parties may claim an interest in the above-referenced property: **M. Daniel Byrd; Betty B. Byrd; Brandon L. Byrd; Washavia Bank, N.A.; M. Daniel Byrd as Custodian of The Mason Trust; Chuck Nelson as Attorney in Fact for Betty Byrd and Daniel Byrd**

The sale held pursuant to this Notice may be rescinded at the Successor Trustee's option at any time. 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. **WAA file. 902-1002.96**

DATED January 10, 2011.

WILSON & ASSOCIATES, P.L.L.C.,
Successor Trustee
By: Sheffie Wallace

FOR SALE INFORMATION, VISIT WWW.MYFORECLOSE and WWW.REALTYTRAC.COM

Jan. 14, 21, 28, 2011 Fg11691

PROOF OF PUBLICATION

THE WESTVIEW NEWSPAPER, LLC dba/ Nashville Ledger, the Publisher of Westview, a weekly newspaper of general circulation, printed in the State of Tennessee and distributed throughout Davidson and Williamson County in Tennessee, states that the hereto attached publication appeared in The Westview on the following dates:

January 14, 2011
January 21, 2011
January 28, 2011

THE WESTVIEW NEWSPAPER, LLC

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this 28th day of **January 2011**, this instrument was signed and sealed in behalf of the corporation (or association), by authority of its Board of Directors and **Catron J. Kerr** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

FIT/FPS

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