BILL GARRETT, Davidson County
Trans:T20110014145 DEEDTRS
Recvd: 03/09/11 09:59 6 pgs
Fees:33.00 Taxes:264.55
20110309-0018764

Prepared by and Return to:
Patrick Taggart/ccollymore 03/03/2011
McCurdy & Candler, L.L.C.
3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

# SUBSTITUTE TRUSTEE'S DEED

GMAC Mortgage Corporation
File No. 09-18310 /Barry Robinson and Sharon Robinson

Tennessee, Davidson County

WHEREAS, by Deed of Trust dated October 23, 2002, and recorded in the Register's Office of Davidson County, Tennessee, on November 1, 2002 at Instrument No. 200211010134216, ("Deed of Trust"), Barry Robinson and Sharon Robinson conveyed to Michael T. Bates, Trustee, as Trustee, the hereinafter described property for the purpose of securing payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned 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; and

WHEREAS, 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, being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record in Instrument No. 201102080011003, 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 requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, the property was advertised for sale in Tennessee Tribune in conformity with the laws of Tennessee and the terms and provisions of said Deed of Trust on 2/10/2011, 2/17/2011 and 2/24/2011. The notice requirements of T.C.A. §35-5-117 were satisfied prior to the first publication of the Notice of Substitute Trustee's Sale. The sale was held on March 3, 2011, in Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, at the time and place mentioned in said advertisement, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale 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, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $71,500.00; and

WHEREAS, the said owner and holder of the debt has assigned its interests in the said property 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, its successors and assigns;

WHEREAS, the owner and holder of said debt for which said property was sold has complied with the terms of sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance of the purchase price being credited on the indebtedness secured by said Deed of Trust;

WHEREAS, this sale shall be subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF U.S. TREASURY**, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record at Instrument No. 20091006-0092883 Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

NOW, THEREFORE, in consideration of the premises and of 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 as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **MCC TN, LLC** as Substitute Trustee, does hereby grant, bargain, sell and convey 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, its successors and assigns, in fee simple forever, the following described property, to-wit:

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A"
ATTACHED HERETO AND MADE A PART HEREOF**

TO HAVE AND TO HOLD the property described above, together with the privileges, appurtenances, and hereditaments thereunto belonging or in any way appertaining unto 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, forever, to whom the said **MCC TN, LLC** as Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through or under him, but not further nor otherwise.

IN TESTIMONY WHEREOF, **MCC TN, LLC**, has hereunto executed, on March 3, 2011.

**MCC TN, LLC**
Substitute Trustee

**STATE OF GEORGIA**
**COUNTY OF DEKALB**

On March 3, 2011, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared, Patrick A. Taggart, on behalf of **MCC TN, LLC**, Substitute Trustee, the within named bargainor, with whom I am personally acquainted (or proved on the basis of satisfactory evidence), and who, upon oath, acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

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

OFFICIAL SEAL
CATHERINE COLLYMORE
NOTARY PUBLIC, NEWTON COUNTY, GA
MY COMMISSION EXPIRES FEB. 19, 2012

Notary Public

My Commission Expires:_____

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STATE OF GEORGIA
COUNTY OF DEKALB

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $71,500.00, 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 March 3, 2011.

Notary Public

OFFICIAL SEAL
CATHERINE COLLYMORE
NOTARY PUBLIC, NEWTON COUNTY, GA
MY COMMISSION EXPIRES FEB. 19, 2012

Mail Tax Notices to and Property Owner:
GMAC Mortgage, LLC
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120

**Map & Parcel No.: 13413022900**
**Property Address: 271 Largo Drive**
**Nashville, TN 37211**

**Exhibit "A"**

All that certain lot or parcel of land lying and being in Davidson County, Tennessee, being more particularly described as follows:

Being Lot Number 353, on the Plan of Hillbrook Subdivision, Section 6, as shown by plat of record in Plat Book 4175, Page 7, Registers Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description.

Being the same property conveyed to Barry Robinson and wife, Sharon Kay Robinson, by Deed from Sharon Kay Robinson, dated 09/18/2000, recorded 10/02/2000, as Inst. No. 20001002-0097097, of the Registers Office for Davidson County, Tennessee.

LAW OFFICES

**McCurdy & Candler, LLC**

Six Piedmont Center, Suite 700
3525 Piedmont Road, NE
Atlanta, GA 30305

JULIUS A. McCURDY (1903 - 1993)
SCOTT CANDLER, JR. (1926 - 1994)
J. ROBIN HARRIS (1925 - 1989)

MAILING ADDRESS:

Post Office Box 57
Decatur, Georgia 30031

TELEPHONE: 404-373-1612
MAIN TELECOPIER: 404-370-7232

WEBSITE: WWW.MCCURDYCANDLER.COM

JOHN WALTER DRAKE
ALAN E. RAUBER
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ANTHONY DEMARLO
SCOTT CANDLER, III
CLARK E. CANDLER
EDNA E. HAWES
SIDNEY A. GELERNTER*
DONALD C. SUESSMITH, JR.
J. MICHAEL DUGAN*
DEBORAH Y. CHEEK
CHRISTIE B. HENNINGS

FRANK R. OLSON*
A. BRETT VERNER
PATRICK N. TAGGART*
JOHN D. ANDRLE
C. ERIC BURKETT
JESSICA A. PRICE
CHRISTINA J. SOLOHUB
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ROBERT J. WILKINSON*
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ANTHONY B. MASELLI
BIANCA K. DAVIS
TODD H. SURDEN

OF COUNSEL:

REBECCA A. HOELTING
MARGARET C. COURTRIGHT

FRANK J. RHODES, JR.
H. RAIFORD HODGES, JR. (RETIRED)

*ALSO ADMITTED IN TENNESSEE

November 16, 2010

Internal Revenue Service
Attn: Technical Support- P. Jackson
801 Broadway MDP 53
Nashville, TN 37203

| RE: | | |
|---|---|---|
| | Our File No.: | 09-18310 |
| | Loan No.: | 7434897385 |
| | Borrower Name: | Barry Robinson and Sharon Robinson |
| | **Taxpayer:** | **Same as above** |
| | **SSN:** | **412-06-6131** |
| | Property Address: | 271 Largo Drive<br>Nashville, TN 37211 |

Dear Sir or Madam:

Our firm is in the process of foreclosing a Deed of Trust on the property at Davidson County, Tennessee, a copy of the legal description being attached herewith. The present owner(s) of record is/are Barry Robinson and Sharon Kay Robinson .

Our examination of the records in Davidson County, Tennessee, reveals that there is of record a Federal Tax Lien. For your identification, I am attaching copies of the Department of Treasury-Internal Revenue Service Form 668 on the above-referenced tax lien, in compliance with paragraph 7425(c) of the Internal Revenue Code, i.e., a Notice of Non-judicial Sale.

The Deed of Trust to be foreclosed by public sale was executed by Barry Robinson and Sharon Robinson to Colorado Federal Savings Bank on October 23, 2002 in the principal amount of $124,450.00 at 6.25000 percent interest. The amount due on the day of foreclosure is approximately $132,721.63. The per diem amount is $0.00. Estimated fees and costs of foreclosure are $1,500.00. The foreclosure will take place on December 16, 2010 . The sale will be for cash.

This notice is being submitted in duplicate and I would appreciate your indicating the date and time received on the duplicate copy and returning it to the undersigned at the following address:

3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

Yours very truly,
McCurdy & Candler, L.L.C.

*Patrick A. Taggart*

BY: Patrick A. Taggart

PT/ccollymore
Enclosures

## SUBSTITUTE TRUSTEE'S SALE

TENNESSEE, DAVIDSON COUNTY

**DEFAULT** having been made in the terms, conditions and payments provided in certain Deed of Trust executed by Barry Robinson and Sharon Robinson to Michael T. Bates, Trustee dated October 23, 2002 in the amount of $124,450.00, and recorded in the Register's Office of Davidson County, Tennessee in Instrument No. 20021101-0134216, ("Deed of Trust"); and, the beneficial interest of said Deed of Trust having been last transferred 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 by assignment; and, 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, as the current owner and holder of said Deed of Trust (the "Owner and Holder"), has appointed as Substitute Trustee the undersigned, , any of whom may act, by instrument filed for record in the Register's Office of Davidson County, Tennessee with all the rights, powers and privileges of the original Trustee named in said Deed of Trust; therefore,

**NOTICE** is hereby given that the entire amount of said indebtedness has been declared due and payable as provided in said Deed of Trust by the Owner and Holder, and the undersigned as Substitute Trustee, or a duly appointed attorney or agents by virtue of the power and authority vested by the Appointment of Substitute Trustee, will on Thursday, December 16, 2010 commencing at 12:00 PM at 501 Broadway at the front of Sommet Center, formerly known as Gaylord Entertainment Center, Nashville, Tennessee; sell to the highest bidder for cash, immediately at the close of sale, the following property to-wit:

All that certain lot or parcel of land lying and being in Davidson County, Tennessee, being more particularly described as follows:

Being Lot Number 353, on the Plan of Hillbrook Subdivision, Section 6, as shown by plat of record in Plat Book 4175, Page 7, Registers Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description.

Being the same property conveyed to M. Glenn Cothran and wife, Betty M. Cothran, by Deed from William and Lee, Inc., James H. Brewer, President, dated 11/07/68, recorded 11/22/68 in Book 4288, Page 762, of the Registers Office for Davidson County, Tennessee.

The said M. Glenn Cothran having predeceased Betty M. Cothran on 12/02/89. The said Betty M. Cothran a/k/a Betty Jean Cothran having died on 01/04/00, executed a Last Will and Testament on 10/27/80. Sharon Kay Robinson is their daughter, being the sole surviving heir at law.

Further being the same property conveyed to Sharon Kay Robinson and husband, Barry Robinson, by Quitclaim Deed from Sharon Kay Robinson, Sole Heir at Law of Betty M. Cothran, Deceased, dated 03/10/00, recorded 03/27/00, as Inst. No. 20000927-0095568, of the Registers Office for Davidson County, Tennessee.

Further being the same property conveyed to Barry Robinson and wife, Sharon Kay Robinson, by Deed from Sharon Kay Robinson, dated 09/18/00, recorded 10/02/00, as Inst. No. 20001002-0097097, of the Registers Office for Davidson County, Tennessee.

Map & Parcel No.: 13413022900

**PROPERTY ADDRESS:** 271 Largo Drive, Nashville, Tennessee 37211
**CURRENT OWNER(S):** Barry Robinson and Sharon Kay Robinson
**SUBORDINATE LIENHOLDERS:** SunTrust Bank, Factor Capital, LLC
**OTHER INTERESTED PARTIES:** Internal Revenue Service

This sale is also subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF U.S. TREASURY**, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record in:Instrument No. 20091006-0092883 Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

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

The sale will be held subject to any unpaid taxes, assessments, rights-of-way, easements, protective covenants or restrictions, liens, and other superior matters of record which may affect said property; as well as any prior liens or encumbrances as well as priority created by a fixture filing; and/or any matter that an accurate survey of the premises might disclose.

If the U.S. Department of Treasury/IRS, the State of Tennessee Department of Revenue, or the State of Tennessee Department of Labor and Workforce Development are listed as Interested Parties in the advertisement, then the Notice of this foreclosure is being given to them and the sale will be subject to the applicable governmental entities' right to redeem the property, as required by 26 U.S.C § 7425 and T.C.A. § 67-1-1433.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Deed of Trust.

Substitute Trustee reserves the right 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.

**MCC TN, LCC**
3525 Piedmont Road NE, Six Piedmont Center, Suite 700

Atlanta, GA 30305
McCurdy & Candler, L.L.C.
(404) 373-1612
www.mccurdycandler.com

File No. 09-18310 /CONV
Ad Run Dates: 11/25/2010, 12/2/2010, and 12/9/2010

THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.