**RECORDING LEGEND**

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

**GRANTOR(s)**
**Hubert W. Dutton, Jr. and Katheleen Dutton**

**GRANTEE(s)**
**Federal National Mortgage Association**

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

# TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated August 13, 2009 and recorded August 21, 2009, as Instrument No. 20090821-0078776 in the Register's Office of Davidson County, Tennessee, Hubert E. Dutton, Jr. and Katheleen Dutton conveyed to Arnold M. Weiss, Attorney, as Trustee for Bank of America, N.A., 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, BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP has appointed **SHELLIE WALLACE** as Successor Trustee and **DEANNA DORROUGH** as Co-Trustee by instrument of record recorded on June 9, 2011 as Instrument No. 201106090044198 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 BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP 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 April 15, 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 December 4, 2010 pursuant to Tennessee Code Annotated 35-5-117; and announcing the scheduled sale date of May 11, 2011; and on said date the sale was announced to be postponed to June 10, 2011

WHEREAS, pursuant to said advertisement and notice, on June 10, 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 BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, at and for the sum of $113,103.28, that being the highest and best bid offered; and

WHEREAS, the said BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP has assigned its interest in said property to the Federal National Mortgage Association, its successors and assigns; 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 BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP 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 Federal National Mortgage Association, its successors and assigns, the property above mentioned and now further described as being in Davidson County, Tennessee, to wit:

A certain Condominium Apartment in Davidson County, Tennessee, being Unit Number 822, of Fox Run Condominiums, Section 2, as of record in Book 5200, Page 148, Register's Office for said County, to which reference is hereby made for a more complete and accurate description of said Unit.

Being the same property conveyed to Hubert W. Dutton, Jr. and wife, Katheleen Dutton by Warranty Deed recorded March 15, 1983 , at Book 6021, Page 326, Register's Office for Davidson County, Tennessee.

Commonly known as: 822 Old Coach Place, Hermitage, Tennessee 37076.

Tax Parcel No.: 064120A822

BILL GARRETT, Davidson County
Trans:T20110036555 DEEDTRS
Recvd: 06/20/11 08:26 7 pgs
Fees:37.00 Taxes:0.00
20110620-0046847

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 Federal National Mortgage Association, its successors and assigns.

IN WITNESS WHEREOF, the said Co-Trustee has hereunto set his or her hand and seal this 13 day of June, 11.

Deanna Dorrough
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, Deanna Dorrough, 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 13 day of June, 11.

Notary Public

My Commission Expires: Faulkner County

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 $113,103.28, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale. However, the grantee(s) are exempt from any and all transfer taxes pursuant to TCA. § 13-23-127.

Deanna Dorrough
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, Deanna Dorrough, as Co-Trustee, with who I am personally acquainted, and whom acknowledged that such person executed the foregoing Form for Oath for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas, this 13 day of June, 11.

Notary Public

My Commission Expires: _____

**PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
Fannie Mae
P.O. Box 650043
Dallas, TX 75265-0043

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

# EXHIBIT "A"

## SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF Arkansas

COUNTY OF Pulaski

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

1. I am the Co-Trustee with a certain deed of trust, dated August 13, 2009, recorded August 21, 2009, as Instrument No. 20090821-0078776 in the Register's Office of Davidson C ounty, Tennessee, executed by Hubert E. Dutton, Jr. and Katheleen Dutton in favor of Bank of America, N.A. to secure the payment of a deed of trust note to Bank of America, N.A..

2. BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP is the holder of or agent for the holder of the indebtedness secured by said deed of trust.

3. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were (1) not members of the Armed Forces of the United States of America and had not been members of any such entities for at least three (3) months prior to the date of the foreclosure sale the subject hereof or (2) were members Armed Forces of the United States of America at the time the security instrument was executed.

4. As such, 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 13 day of June, 11.

Deanna Dorrough
Affiant

ACKNOWLEDGMENT

STATE OF Arkansas

COUNTY OF Pulaski

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Deanna Dorrough, 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 13 day of June, 11.

Notary Public

My Commission Expires: _____

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

DServiceMembersAffidavitTN_mokere_110610_1221

Department of Defense Manpower Data Center

Jun-08-2011 23:06:30

Web page snapshots at 6/9/2011 2:05:45 AM

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 |
|---|---|---|---|---|---|
| DUTTON | KATHELEEN | 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:A352AN97L6**

Department of Defense Manpower Data Center

Jun-08-2011 23:06:18

Web page snapshots at 6/9/2011 2:05:33 AM

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 |
|---|---|---|---|---|---|
| DUTTON | HUBERT E | 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

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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:E5NNQ1SMGV**

**COST OF PUBLICATION**

| | |
|---|---|
| **First Insertion** | **$210.00** |
| **Second Insertion** | **210.00** |
| **Third Insertion** | **210.00** |
| **Total** | **$630.00** |

**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 August 13, 2009, and the Deed of Trust of even date securing the same, recorded August 21, 2009, as Instrument No. 20090821-0078776 in Office of the Register of Deeds for Davidson County, Tennessee, executed by Hubert E. Dutton, Jr. and Kathaleen Dutton, conveying certain property therein described to Arnold M. Weiss, Attorney as Trustee for Bank of America, N.A.; and the undersigned, Sheilla 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 Sheilla 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 [illegible] as or about 10:00 A.M., at the [illegible] 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:

A certain Condominium Apartment in Davidson County, Tennessee, being Unit Number 822, of Fox Run Condominiums, Section 2, as of record in Book 6200, Page 148, Register's Office for said County, to which reference is hereby made for a more complete and accurate description of said Unit.

ALSO KNOWN AS: 822 Old Coach Place, Hermitage, Tennessee 37076

The HB 3588 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: Hubert E. Dutton Jr.; Kathaleen Dutton; Countrywide Bank, N.A.; Fox Run Condominium Homeowners Association; Kathaleen Dutton; Kathaleen Dutton; Mortgage Electronic Registration Systems, Inc. for Countrywide Bank, N.A.; REAL-TIME RESOLUTIONS INC.

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. WBA No. 726-301219

DATED April 8, 2011

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

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

Apr. 15, 22, 29, 2011 Rg12301

**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:

**April 15, 2011**
**April 22, 2011**
**April 29, 2011**

**THE WESTVIEW NEWSPAPER, LLC**

**By:** _____
**Catron J. Kerr, Administrative Assistant**

**STATE OF TENNESSEE**

On this 29th day of **April 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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