BILL GARRETT, Davidson County
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Fees:17.00 Taxes:0.00
20110725-0056642

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: Benjamin Will Barnett

S&K#: 11-019004

**SUBSTITUTE TRUSTEE'S DEED**

WHEREAS, by Deed of Trust dated August 1, 2001, recorded in Instrument No. 20010808-0085326 in the Register's Office of Davidson County, Tennessee, Benjamin Will Barnett, unmarried conveyed to Jeanine B. Saylor, 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, Magna Bank appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20110613-0045086, 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, Magna Bank 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 Magna Bank, 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 July 15, 2011, at the Davidson County Courthouse, South Main door, One Public Square, 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 Magna Bank, whose address is Magna Bank, 6655 Poplar Avenue, Suite 201, Germantown, Tennessee 38138, at and for the sum of $70,200.00, that being the highest and best bid offered; and,

WHEREAS, the said Magna Bank has assigned its interests in the said property to Federal National Mortgage Association, 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 Magna Bank 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 Federal National Mortgage Association his successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Hermitage, County of Davidson, State of Tennessee, to-wit:

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

Lot Number 74 on the Map of the Hermitage Hills Subdivision, as of record in Book 2900, Page 49, Register's Office for said County.

Said Lot Number 74 fronts 90.0 feet on the Northeast margin of Bonnalynn Drive and extends back 150.00 feet on the Northwest line and 153.5 feet on the Southeast line, to a dead line, measuring 72.6 feet thereon.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20010808-0085326 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. 20010808-0085326 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200108080085325, 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 Federal National Mortgage Association 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

Ashley M. Jones, Authorized Agent
D. Denise Griffin, Managing Foreclosure Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 21 day of July, 2011, before me, a Notary Public, in and for said State and County, personally appeared Ashley Jones, with whom I am personally acquainted, and who, upon oath acknowledged to be Authorized Agent 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.

MARGO RICHARDSON STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY

MY COMMISSION EXPIRES JANUARY 05, 2015

My commission expires: Notary Public

**NO TAX/GOVERNMENTAL AGENCY**
TCA CODE 67-4-409

**PROPERTY ADDRESS:** 307 Bonnalynn Drive, Hermitage, Tennessee 37076

**PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
Federal National Mortgage Association
P.O. Box 650043
Dallas, TX 75265-0043

**S & K File #11-019004**
**Map & Parcel -07513020200**

**PREPARED BY AND RETURN TO:**
**Shapiro & Kirsch, LLP, Attorney**
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**COST OF PUBLICATION**

**First Insertion**
**Second Insertion**
**Third Insertion**

**Total**

[redacted]

**SUBSTITUTE TRUSTEE'S SALE**

Sale at public auction will be on July 28, 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 Benjamin Will Barnett, unmarried, to Jeanny S. Saylor, Trustee, on August 1, 2011 at Instrument No. 20110808-0085326; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Holder: Magna Bank

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

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

Lot Number 74 on the Map of the Hermitage Hills Subdivision, as of record in Book 2900, Page 49, Register's Office for said County.

Said Lot Number 74 fronts 90.0 feet on the Northeast margin of Bonnalynn Drive and extends back 150.00 feet on the Northwest line and 153.5 feet on the Southeast line, to a dead line, measuring 72.6 feet thereon.

Street Address: 307 Bonnalynn Drive, Hermitage, Tennessee 37076

Current Owner(s) of Property: Benjamin Will Barnett, unmarried

Other interested parties: United Guaranty Residential Insurance Company of North Carolina and United Guaranty Residential Insurance Company of North Carolina

The street address of the above described property is believed to be 307 Bonnalynn Drive, Hermitage, Tennessee 37076, 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 may be a debt collector. This may be an attempt to collect a debt and any information obtained may be used for that purpose.

Shapiro & Kirsch, LLP Substitute Trustee
www.kirschattorneys.com
Law Office of Shapiro & Kirsch, LLP
5865 Ridgeway Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-5566
Fax (901)761-5640
File No. 11-019604
June 17, 24, July 1, 2011 Fgl12715

**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:

**June 17, 2011**
**June 24, 2011**
**July 1, 2011**

**THE WESTVIEW NEWSPAPER, LLC**

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

**STATE OF TENNESSEE**

On this 1st day of **July 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**

7