FILE NO.: 221.J1102090TN\AMP1

BILL GARRETT, Davidson County
Trans:T20110048293 DEEDTRS
Recvd: 08/08/11 10:56 7 pgs
Fees:37.00 Taxes:0.00
20110808-0060794

THIS INSTRUMENT PREPARED BY & RETURN TO:
Nationwide Trustee Services, Inc.
1587 N.E. Expressway
Atlanta, GA 30329

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated March 29, 2005 and recorded in the Register's Office of Davidson County, TN, at Instrument Number 200504060038124, ("Deed of Trust")David E. Swett Jr. and Deatrice J. Swett conveyed to Larry A. Weissman, 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 SunTrust Mortgage Inc; and

WHEREAS, **SunTrust Mortgage Inc**, being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument Number 201107120053213** in the Register's Office of Davidson County, TN; and

WHEREAS, pursuant to Tenn. Code Ann. § 35-5-117 (i), not less than sixty (60) days prior to the first publication required by § 35-5-101, the notice of the right to foreclose was properly sent, if so required; 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 conformity with the laws of TN and the terms and provisions of said Deed of Trust on 06/17/2011, 06/24/2011 and 07/01/2011, in THE NASHVILLE RECORD, by which advertisement the sale was held on July 14, 2011, at the corner of Fifth and Broadway at the Main Entrance to the Sommet Center F/K/A Gaylord Entertainment Center in Nashville, Davidson County, TN, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, State Tax Lien(s) have been filed by the Tennessee Department of Revenue against the subject property in the Register's Office of Davidson County, Tennessee, at Book 20110505, Page 0034503. Notice of the sale was given to the State of Tennessee pursuant to T.C.A. 67-1-1433(b)(1) and a copy is attached hereto as Exhibit "A". The response of the State of Tennessee is attached hereto as Exhibit "B". The property is subject to the right of the State of Tennessee to redeem pursuant to T.C.A. 67-1-1433(c)(1).

WHEREAS, at the time and place mentioned in said advertisement, Phil Young, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale **SunTrust Mortgage Inc**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $187,300.00; and

WHEREAS, the said owner and holder of the debt has assigned its interests in the said property to the Federal National Mortgage Association, Washington, D.C., his/her successors and assigns; and

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;

NOW, THEREFORE, in consideration of the premises and of the payment by SunTrust Mortgage Inc as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **Nationwide Trustee Services, Inc.**, as Substitute Trustee, does hereby grant, bargain, sell and convey unto **Federal National Mortgage Association**, its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of TN:

Land in the 13th (formerly the 23rd) Civil District of Davidson County, Tennessee, described as follows: Beginning at a point in the southerly margin of McCool Road, said point being the northeast corner of the property conveyed to David C. Rutherford and wife, Linda R. Rutherford, of record in Book 4281, page 743, Registers' office for said County; then with said Rutherford's eastern boundary line southerly 260 feet, thence easterly 500 feet, more or less, thence northerly 260 feet to the southerly margin of McCool Road, thence with the same westerly 500 feet, more or less, to the beginning, containing three acres, more or less. Being the same property conveyed to David E. Swett, Jr. and Deatrice J. Swett by Warranty Deed from Edwin R. Rutherford, III, a single man, in Instrument No. 20050406-0038123 Register's Office for Davidson County, Tennessee.

The last recorded Warranty Deed was filed of record at Instrument Number 200504060038123 in the Register's Office of Davidson County, TN.

If the original sale date was postponed, such sale was postponed in accordance with the provisions of TCA 35-5-101(f), and all announcements and notifications were made as required therein.

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 **Federal National Mortgage Association**, its

successors and assignsforever, to whom the said, **Nationwide Trustee Services, Inc.**, 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, **Nationwide Trustee Services, Inc.**, Substitute Trustee, has hereunto set his hand, this 14th day of July, 2011.

Nationwide Trustee Services, Inc.
Substitute Trustee

STATE OF GEORGIA

COUNTY OF DEKALB

On this 14th day of July, 2011, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Germaine Duncan, with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person), and who, upon his or her oath, acknowledged himself or herself to be the Assistant Vice President of **Nationwide Trustee Services, Inc.**, the within named bargainor, and as such officer or member being duly authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing thereto the name of the corporation by himself or herself as such officer or member.

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

Notary Public

KELECHI UBOZOH NOTARY PUBLIC GWINNETT COUNTY EXPIRES GEORGIA NOV. 23, 2014

My Commission Expires:_____

NO TAX GOVERNMENTAL AGENCY

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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 $0.00, 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 THIS 14TH DAY OF JULY 2011.

Notary Public

KELECHI UBOZOH NOTARY PUBLIC GWINNETT COUNTY EXPIRES GEORGIA NOV. 23, 2014

My Commission Expires: _____

File No.: 221.J1102090TN (Swett)
Property Address: 4842 Mccool Road, Nashville, TN 37218
Tax Parcel ID No.: 048-00-0-142.00

Mail Tax Notices To and Property Owner:

Federal National Mortgage Association

PO Box 650043
Dallas, TX 75265-0043

NATIONWIDE TRUSTEE SERVICES, INC.

SUBSTITUTE TRUSTEE
1587 NORTHEAST EXPRESSWAY
ATLANTA, GA 30329
(770) 234-9181
FAX (770) 234-9192

June 13, 2011

UPS TRACKING 1ZX47Y680191625418

EXHIBIT A

DONERA ADCOX
Department of Revenue
Tax Enforcement Division
P.O. Box 190665
Nashville, TN 37219-0865

Re: **Notice of State Tax Lien/Consent to Sell**
File Number: 221.J1102090TN
Name Per Client: David Swett Jr
Property Address: 4842 Mccool Road
Nashville, TN 37218

Dear Sir or Madam:

I am writing to advise you in accordance with T.C.A. 67-1-1433 that SunTrust Mortgage, Inc. has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on July 14, 2011. Enclosed is a copy of the Substitute Trustee's Notice, which is being published in the Davidson County legal newspaper. The recording information for the Deed of Trust, as well as the terms of sale and additional information, can be found in this notice.

The title search of the Davidson County records indicates that ONE state tax lien(s) has/have been filed against certain parties thought to be the owners of the subject property. As required, we have attached a copy(ies) of the specific state tax lien(s) found; said lien(s) were recorded in Book 20110505, Page 0034503.

We are not certain that the parties named in the state tax lien(s) are the same as the above-referenced borrower(s), or other predecessors in title. However, the names and social security numbers of the individual(s) against whom the above-referenced lien(s) are filed are as follows: DAVID E. SWETT, JR D/B/A DAVID E. SWETT JR 4842 MCCOOL ROAD NASHVILLE, TN 37218 (ENTITY ID 002-XXX-XX-5377).

The unpaid principal balance of the loan against the above-referenced property is approximately $178,626.62. Interest through the sale date is approximately 5,549.05. Costs and attorneys' fees associated with the sale should be approximately $1,500.00.

Please return an acknowledged receipt of this notice on the enclosed duplicate letter and return in the enclosed self-addressed stamped envelope. If you should have any questions about this matter, please do not hesitate to contact this office.

Sincerely,
Prommis Solutions, LLC on behalf of
Nationwide Trustee Services, Inc.

AMP1

Enclosures
cc: SunTrust Mortgage, Inc.

SUBSTITUTE TRUSTEE'S SALE

WHEREAS, default having been made in the payment of the debts and obligations secured to be paid by that certain Deed of Trust executed on March 29, 2005, by David E. Swett Jr. and Deatrice J. Swett to Larry A. Weissman, Trustee, as same appears of record in the Register's Office of Davidson County, Tennessee, under Instrument Number 200504060038124, ("Deed of Trust"); and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned to SunTrust Mortgage Inc; and

WHEREAS, SunTrust Mortgage Inc, the current owner and holder of said Deed of Trust, (the "Owner and Holder"), appointed the undersigned, Nationwide Trustee Services, Inc., as Substitute Trustee 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; and

WHEREAS, pursuant to Tenn. Code Ann. § 35-5-117 (i), not less than sixty (60) days prior to the first publication required by § 35-5-101, the notice of the right to foreclose was properly sent, if so required; and

NOW, THEREFORE, notice is hereby given that the entire indebtedness has been declared due and payable as provided in said Deed of Trust by the Owner and Holder, and that the undersigned, Nationwide Trustee Services, Inc., Substitute Trustee, or his duly appointed attorneys or agents, by virtue of the power and authority vested in him, will on Thursday, **July 14, 2011**, commencing at **12:00 PM** at the Davidson Co. Register of Deeds at the corner 6th and Broadway at Bridgestone Arena, proceed to sell at public outcry to the highest and best bidder for cash, the following described property situated in Davidson County, Tennessee, to wit: Land in the 13th (formerly the 23rd) Civil District of Davidson County, Tennessee, described as follows: Beginning at a point in the southerly margin of McCool Road, said point being the northeast corner of the property conveyed to David C. Rutherford and wife, Linda R. Rutherford, of record in Book 4281, page 743, Registers' office for said County; then with said Rutherford's eastern boundary line southerly 260 feet, thence easterly 500 feet, more or less, thence northerly 260 feet to the southerly margin of McCool Road, thence with the same westerly 500 feet, more or less, to the beginning, containing three acres, more or less. Being the same property conveyed to David E. Swett, Jr. and Deatrice J. Swett by Warranty Deed from Edwin R. Rutherford, III, a single man, in Instrument No. 20050406-0038123 Register's Office for Davidson County, Tennessee.

PROPERTY ADDRESS: 4842 Mccool Road, Nashville, TN 37218
CURRENT OWNER(S): David E. Swett Jr. and Deatrice J. Swett

The sale of the above-described property shall be subject to all matters shown on any recorded plan; any unpaid taxes; any restrictive covenants, easements or set-back lines that may be applicable; any prior liens or encumbrances as well as any priority created by a fixture filing; and any matter that an accurate survey of the premises might disclose.

In addition, this sale shall be subject to the right of redemption by the **TENNESSEE DEPARTMENT OF REVENUE, TAX ENFORCEMENT DIVISION,** pursuant to T.C.A. 67-1-1433(c)(1) by reason of the following tax lien(s) of record in: Book 20110505, Page 0034503. Notice of the sale has been given to the State of Tennessee in accordance with T.C.A.

67-1-1433(b)(1).

SUBORDINATE LIENHOLDERS: Mortgage Electronic Registration Systems, Inc. as sole nominee for Capital One Home Loans, LLC

OTHER INTERESTED PARTIES: N/A

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, 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.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Nationwide Trustee Services, Inc., Substitute Trustee
c/o AMP1
Nationwide Trustee Services, Inc.
1587 Northeast Expressway
Atlanta, GA 30329
(770) 234-9181
File No.: 221.J1102090TN
Web Site: www.jflegal.com
Insertion Dates: 06/17/2011, 06/24/2011 and 07/01/2011

STATE OF TENNESSEE
DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT DIVISION
ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37242

July 1, 2011

Ashley Pengelly
Nationwide Trustee Services, Inc
1587 Northeast Expressway
Atlanta, GA 30329

EXHIBIT B

Re: Foreclosure Sale of Property Owned by: **David E Swett, Jr.**
Entity Number: **002 XXXXX5377/000 and 001 262871461/000 & 001**
NTSI File Number: 221.J1102090TN / 4842 McCool Road

This is in reference to your letter dated July 1, 2011 concerning a foreclosure sale of property owned by the above-captioned taxpayer(s).

Your letter **does** comply with the provisions of T.C.A. § 67-1-1401 et. seq., but if the sale produces more than the amount needed to satisfy the cost of the sale, the indebtedness indicated in your letter, and any other superior liens, the amount of surplus proceeds up to the amount of taxes, penalties and interest due the Department of Revenue must be remitted to the State of Tennessee. Excess proceeds, if any, should be sent to the attention of the Special Procedures Unit at P.O. box 190665 Nashville, TN 37219-0665. The amount of taxes, penalties and interest that is due as of **July 14, 2011** is **$27,038.63**. *(Please be advised that if the scheduled sale is cancelled or postponed for any reason, notice must be submitted in writing if the sale is to be continued).*

After the sale, (and within 15 days), please furnish me with **an accounting of the sale** (form enclosed), and I will release the State's tax lien on the property sold. If the sale is canceled, please advise this office with a brief explanation. I trust that this has answered your letter, but if not, please let me know.

Lien Desk 1
Special Procedures Section
Revenue Enforcement Division
Tennessee Department of Revenue

SP/bt
c: *file*