PICK-UP

BILL GARRETT, Davidson County
Trans:T20110050355 DEEDTRS
Recvd: 08/16/11 15:41 6 pgs
Fees:33.00 Taxes:14985.00
20110816-0063243

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS PLC (RPM)
100 Peabody Place, Suite 900
Memphis, Tennessee 38103

SUBSTITUTE CO-TRUSTEES' DEED

WHEREAS, by Multifamily Deed of Trust, Assignment of Rents and Security Agreement dated May 23, 2008, of record at **Instrument Number 20080528-0054389** in the Register's Office for Davidson County, Tennessee (the "Register's Office"), (the "Deed of Trust"), Lodge North Investors-07, LLC (the "Debtor") conveyed the real property described on attached Exhibit A, which is incorporated herein by reference (the "Property"), to William Rosenberg Trustee (the "Trustee"), to secure payment of the indebtedness described in the Deed of Trust (the "Indebtedness"); and

WHEREAS, by Appointment of Substitute Co-Trustees recorded at **Instrument Number 20110715-0054311** in the Register's Office, Robert P. McDaniel, Jr. together with Jason S. Lewallen were appointed Substitute Co-Trustees under the Deed of Trust (the "Substitute Trustees"); and

WHEREAS, default occurred under the terms and conditions of the Deed of Trust and in the payment of the Indebtedness secured thereby; and

WHEREAS, at the request of Sovereign Bank, the lawful owner and holder of the Indebtedness, the Substitute Co-Trustees gave notice of the time and place of a sale of the Property, all in accordance with the Deed of Trust and the laws of the State of Tennessee, by publishing a notice of sale in *The Nashville Ledger*, a newspaper published in Davidson County, Tennessee, a correct copy of which is attached hereto as Exhibit B, said notice being first published on July 22, 2011, and thereafter published on July 29, 2011 and August 5, 2011, with said notice advertising the sale of the Property to be held on August 12, 2011, at twelve o'clock noon, and by sending a copy of the notice of sale to the Debtor and any co-debtor on or before the first date of publication by registered or certified mail, return receipt requested; and

WHEREAS, on August 12, 2011, at twelve o'clock noon, at the at the Davidson County Register of Deeds main entrance to the Bridgestone Arena, 501 Broadway, Nashville, Davidson County, Tennessee thereof, being the time and place fixed in said notice, the Property was offered for sale and sold in the manner provided in said notice and in the Deed of Trust, and the Substitute Co-Trustee received a bid of $4,050,000.00, which bid was the last and highest bidder, and payment has been made by credit upon the Indebtedness, the receipt of which is hereby acknowledged;

NOW, THEREFORE, in consideration of the foregoing and of the sum bid and paid as provided herein, I, Jason S. Lewallen, Substitute Co-Trustee, have bargained and sold, and do hereby bargain, sell, transfer and convey unto **PBE Companies, LLC, a Delaware limited liability company**, and its successors and assigns (the "Grantee") the Property which is the same

real property conveyed to Lodge North Investors-07, LLC by Quit Claim Deed dated March 26, 2008, recorded April 18, 2008 at **Instrument Number 20080418-0039478**, in the Register's Office.

TO HAVE AND TO HOLD the Property, together with the estate, title and interest of Substitute Co-Trustees therein and all hereditaments, easements, appurtenances and improvements thereto belonging, to the Grantee, its successors and assigns, in fee simple forever, free from the equity of redemption, the statutory right of redemption, homestead, elective share, and all other exemptions of the grantor of the Deed of Trust of every kind, all of which were expressly waived therein, and subject only to liens, easements, encumbrances, liens for property and other taxes, rights of redemption of taxing entities and other matters that are prior in right to the lien and security title of the Deed of Trust. Without limiting the foregoing, the Property is or may be subject to:

1. ***City and County taxes for past years and through 2011 and thereafter***; and

2. Agreement for Dedication of Easement for Sanitary Sewers of record in Book 4362, Page 922 and Book 4362, Page 924, in the Register's Office for Davidson County, Tennessee.

This is improved property known as 452 Moss Trail, Goodlettsville, Davidson County, Tennessee.

I, Jason S. Lewallen, Substitute Co-Trustee, believe the title hereby conveyed to be good and do hereby transfer, assign and set over unto Grantee all of the covenants and warranties contained in the Deed of Trust; and, to the extent that I am able to do so as Substitute Co-Trustee, and subject only to the matters herein expressly reserved, I hereby warrant the title to the Property against the lawful claims of all persons claiming by, through or under me as such Substitute Co-Trustee, under the provisions of the above described Deed of Trust, but not further or otherwise.

WITNESS my hand as Substitute Trustee on this 12th day of August, 2011.

Jason S. Lewallen, Substitute Co-Trustee

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Jason S. Lewallen, Substitute Co-Trustee, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 12th day of August, 2011.

Notary Public

JOHN S. SEEHORN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires:

3/4/14

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration for this transfer or value of property conveyed (whichever is greater) is $4,050,000.00.

Affiant

Sworn to and subscribed before me this 12th day of August, 2011.

Notary Public

JOHN S. SEEHORN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My commission Expires:

3/4/14

Mailing Address of Property and
Tax Parcel I.D. No.: 02609002200
452 Moss Trail
Goodlettsville, Tennessee 37072

Party Responsible for Taxes and
Send Tax Bills To:
c/o Sovereign Bank, Commercial REO Department
One Financial Plaza, 4th Floor (Mail Code: RI1-TWR-04-30)
Providence, Rhode Island 02903

EXHIBIT "A"

PROPERTY

A TRACT OF LAND IN THE 10TH CIVIL DISTRICT OF DAVIDSON COUNTY, TENNESSEE, DESCRIBED ACCORDING TO A SURVEY MADE BY BARGE, WAGGONER AND SUMNER, INC., DATED MARCH 19, 1971, AS FOLLOWS:

BEGINNING AT A MONUMENT AT THE NORTHEASTERLY END OF CIMA DRIVE; THENCE ALONG THE NORTHERLY END OF SAID DRIVE NORTH 84 DEG. 11 MIN. WEST 50 FEET, THE NORTHWESTERLY END OF SAID DRIVE; THENCE NORTH 5 DEG. 49 MIN E 147.0 FEET; THENCE NORTH 84 DEG. 11 MIN W 591.1 FEET; THENCE NORTH 1 DEG. 40 MIN E 471.8 FEET; THENCE SOUTH 89 DEG. 50 MIN. 17 SEC. E 827.42 FEET; THENCE SOUTH 0 DEG. 43 MIN. 39 SEC. W 883.61 FEET; THENCE NORTH 56 DEG. 9 MIN. 1 SEC W 264.82 FEET TO A POINT IN THE EASTERLY MARGIN OF SAID CIMA DRIVE; THENCE ALONG WITH MARGIN HAVING A CURVE WITH A RADIUS OF 225.0 FEET NORTHERLY 57.1 FEET TO THE BEGINNING, AND CONTAINING 11.25 ACRES, MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED TO LODGE NORTH INVESTORS-07, LLC, A TENNESSEE LIMITED LIABILITY COMPANY BY QUIT CLAIM DEED OF RECORD IN INSTRUMENT NO. 20080418-0039478, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

Being the same property conveyed to Lodge North Investors-07, LLC by Quit Claim Deed of record at Instrument Number 20080418-0039478, in the Register's Office of Davidson County, Tennessee.

EXHIBIT "B"

PUBLICATION NOTICE

COST OF PUBLICATION

First Insertion	**$265.50**
Second Insertion	**265.50**
Third Insertion	**265.50**
Total	**$796.50**

NOTICE OF SUBSTITUTE CO-TRUSTEES' SALE

452 Moss Trail, Goodlettsville, Davidson County, Tennessee

Default having been made in the terms, conditions, and payments, including without limitation the failure to make principal and interest payments, provided for in that certain Multifamily Deed of Trust, Assignment of Rents and Security Agreement dated May 23, 2008, as recorded at Instrument Number **20080528-0054389**, in the Register's Office for Davidson County, Tennessee, from Lodge North Investors-07, LLC ("Borrower") to William Rosenberg, Trustee, securing the indebtedness therein described (as amended, the "Deed of Trust"), which indebtedness is now due and unpaid, and has been declared in default by the lawful owner and holder thereof;

The undersigned, Robert P. McDaniel, Jr., Substitute Co-Trustee, having been appointed Substitute Co-Trustee together with Jason S. Lewallen, to serve in the place and stead of William Rosenberg, Trustee, said appointment being recorded in the Register's Office for Davidson County, Tennessee;

NOW, THEREFORE, I, Robert P. McDaniel, Jr., Substitute Co-Trustee, pursuant to said Deed of Trust, having been requested by Sovereign Bank, the owner and holder of said indebtedness, so to do, and by virtue of the authority and power vested in me by said Deed of Trust will, on Friday, August 12, 2011, at twelve o'clock noon, at the at the Davidson County Register of Deeds main entrance to the Bridgestone Arena, 501 Broadway, Nashville, Davidson County, Tennessee thereof, proceed to sell at public outcry to the highest bidder for cash (or credit upon the indebtedness secured if the lawful owner and holder thereof is the successful purchaser), free from the equity of redemption, the statutory right of redemption, homestead, elective share, and all other exemptions of Borrower of every kind, all of which have been expressly waived by Borrower in said Deed of Trust, the property in Davidson County, Tennessee described as follows:

A TRACT OF LAND IN THE 10TH CIVIL DISTRICT OF DAVIDSON COUNTY, TENNESSEE, DESCRIBED ACCORDING TO A SURVEY MADE BY BARGE, WAGGONER AND SUMNER, INC., DATED MARCH 19, 1971, AS FOLLOWS:

BEGINNING AT A MONUMENT AT THE NORTHEASTERLY END OF CIMA DRIVE; THENCE ALONG THE NORTHERLY END OF SAID DRIVE NORTH 84 DEG. 11 MIN. WEST 50 FEET, THE NORTHWESTERLY END OF SAID DRIVE; THENCE NORTH 5 DEG. 49 MIN E 147.0 FEET; THENCE NORTH 84 DEG 11 MIN W 591.1 FEET; THENCE NORTH 1 DEG. 40 MIN E 471.8 FEET; THENCE SOUTH 89 DEG. 50 MIN. 17 SEC. E 827.42 FEET; THENCE SOUTH 0 DEG. 43 MIN. 39 SEC. W 883.61 FEET; THENCE NORTH 56 DEG. 9 MIN. 1 SEC W 264.82 FEET TO A POINT IN THE EASTERLY MARGIN OF SAID CIMA DRIVE; THENCE ALONG WITH MARGIN HAVING A CURVE WITH A RADIUS OF 225.0 FEET NORTHERLY 57.1 FEET TO THE BEGINNING, AND CONTAINING 11.25 ACRES, MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED TO LODGE NORTH INVESTORS-07, LLC, A TENNESSEE LIMITED LIABILITY COMPANY BY QUIT CLAIM DEED OF RECORD IN INSTRUMENT NO. 20080418-0039478, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

The above described real estate is improved property known as 452 Moss Trail, Goodlettsville, Davidson County, Tennessee and the above property description is included in the recorded Deed of Trust. The tax parcel number for the above is 02609002200.

The present owner of the above described real estate is Lodge North Investors-07, LLC.

This sale is made subject to all liens, easements, encumbrances, real estate taxes, personal property taxes, rights of redemption of taxing entities and other matters which are prior in right to the lien of the aforesaid Deed of Trust.

The following parties may have liens against or claim an interest in the above described property which will be extinguished or adversely affected by the sale: Akzo Nobel Paints, LLC dba Glidden Professional (including but not necessarily limited to interest arising out of Instrument Number 20101109-0089895); American Carpet Connection (including but not necessarily limited to interest arising out of Instrument Number 20090721-0068305); and Precision Plumbing, Inc. (including but not necessarily limited to interest arising out of Instrument Number 20110512-0036558). The Substitute Co-Trustees, or either one of them, may adjourn or postpone the aforementioned sale of real property without further publication by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time and place fixed by the preceding postponement or subsequently noticed sale, and without further notice make such sale at the time fixed by the last postponement, or may, in his discretion, give a new notice of sale.

This 20th day of July, 2011.

Robert P. McDaniel, Jr.,
Substitute Co-Trustee
Bass, Berry and Sims PLC

July 22, 29, Aug. 5, 2011 Fgl12936

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:

July 22, 2011
July 29, 2011
August 5, 2011

THE WESTVIEW NEWSPAPER, LLC

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this **5th** day of **August 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