**RECORDING LEGEND**

PLEASE RECORD IN THE
APPROPRIATE REAL ESTATE RECORDS

**GRANTOR(s)**
**Wesley Montague and April Montague**

**GRANTEE(s)**
**Federal Home Loan Mortgage Corporation**

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

BILL GARRETT, Davidson County
Trans:T20110062837 DEEDTRS
Recvd: 10/07/11 15:10 10 pgs
Fees:52.00 Taxes:0.00
20111007-0078316

# TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated February 3, 2004 and recorded February 11, 2004, as Instrument No. 20040211-0016515 in the Register's Office of Davidson County, Tennessee, Wesly C. Montague and April L. Montague conveyed to T. Michael Logan, Williamson County, TN, as Trustee for Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Suntrust Mortgage, Inc. and Suntrust Mortgage, Inc.'s successors and assigns, 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, Suntrust Mortgage Inc. has appointed **SHELLIE WALLACE** as Successor Trustee and **ANGELA BOYD** as Co-Trustee by instrument of record recorded on September 19, 2011 as Instrument No. 20110919-0072326 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 Suntrust Mortgage Inc. 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; announcing the scheduled sale date of August 24, 2011; and on said date the sale was announced to be postponed to September 21, 2011; said advertisement began on July 22, 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 August 4, 2010 pursuant to Tennessee Code Annotated 35-5-117; and

WHEREAS, pursuant to said advertisement and notice, on September 21, 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 Suntrust Mortgage Inc., at and for the sum of $102,010.54, that being the highest and best bid offered; and

WHEREAS, the said Suntrust Mortgage Inc. has assigned its interest in said property to the Federal Home Loan Mortgage Corporation, 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 Suntrust Mortgage Inc. 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 Home Loan Mortgage Corporation, its successors and assigns, the property above mentioned and now further described as being in Davidson County, Tennessee, to wit:

Land in Davidson County, Tennessee, being Lot No. 11 of Section One, Glencliff Estates, as of Record in Book 1130, Page 56, Register's Office for said County, to which plat reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to Wesley Montague and April Montague by Special Warranty Deed r ecorded February 11, 2004, as Instrument No. 20040211-0016514, Register's Office for Davidson County, Tennessee.

Commonly known as: 719 Currey Road, Nashville, Tennessee 37217.

Tax Parcel No.: 11908007400

The above-described property is conveyed subject to the rights of the State of Tennessee to redeem the property as provided for in §67-1-1433(c)(1).

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 Home Loan Mortgage Corporation, its successors and assigns.

IN WITNESS WHEREOF, the said Co-Trustee has hereunto set his or her hand and seal this 27th day of Sept, 2011.

Angela Boyd
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, Angela Boyd, 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 27 day of Sept, 2011.

Notary Public

My Commission Expires: MATTHEW D. MARTIN
Notary Public-Arkansas
Pulaski County
My Commission Expires 06-15-2019
Commission # 12371725

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 $102,010.54, 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.

Angela Boyd
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, Angela Boyd, 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 27 day of Sept, 2011.

Notary Public

My Commission Expires: _____

MATTHEW D. MARTIN
Notary Public-Arkansas
Pulaski County
My Commission Expires 06-15-2019
Commission # 12371725

**PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
Federal Home Loan Mortgage Corporation
5000 Plano Parkway
Carrolton, TX 75010

# 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 February 3, 2004, recorded February 11, 2004, as Instrument No. 20040211-0016515 in the Register's Office of Davidson County, Tennessee, executed by Wesly C. Montague and April L. Montague in favor of Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Suntrust Mortgage, Inc. and Suntrust Mortgage, Inc.'s successors and assigns to secure the payment of a deed of trust note to Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Suntrust Mortgage, Inc. and Suntrust Mortgage, Inc.'s successors and assigns.

2. Suntrust Mortgage Inc. 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 27th day of Sept, 2011.

Angela Boyd
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, Angela Boyd, 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 27 day of Sept, 2021.

Notary Public

My Commission Expires: _____

MATTHEW D. MARTIN
Notary Public-Arkansas
Pulaski County
My Commission Expires 06-15-2019
Commission # 12371725

DServiceMembersAffidavitTN_bboone_110921_1433

Department of Defense Manpower Data Center Jun-27-2011 10:46:44

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 |
|---|---|---|---|---|---|
| MONTAGUE | APRIL | 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.

Department of Defense Manpower Data Center Jun-27-2011 10:45:23

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 |
|---|---|---|---|---|---|
| MONTAGUE | WESLY | 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
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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.

**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 February 3, 2004, and the Deed of Trust of even date securing the same, recorded February 11, 2004, as Instrument No. 20040211-0016515 in Office of the Register of Deeds for Davidson County, Tennessee, executed by Wesly C. Montague and April L. Montague, conveying certain property therein described to T. Michael Login, Williamson County, TN as Trustee for Mortgage Electronic Registration Systems, Inc., as a separate corporation that is acting solely as a nominee for Suntrust Mortgage, Inc. and Suntrust Mortgage, Inc.'s successors and assigns; and the undersigned, Shellie 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 Shellie 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 August 24, 2011 on or about 10:00 A.M., at the Bridgestone Arena, 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:

Land in Davidson County, Tennessee, being Lot No. 11 of Section One, Glencliff Estates, as of Record in Book 1190, Page 56, Register's Office for said County, to which plat reference is hereby made for a more complete and accurate legal description.

ALSO KNOWN AS: 719 Carney Road, Nashville, Tennessee 37217

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: SunTrust Bank; State of Tennessee, Department of Labor & Workforce Development; Wesly C. Montague; April L. Montague

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. W&A No. 701-213681

DATED July 18, 2011

WILSON & ASSOCIATES, P.L.L.C., Successor Trustee

By: Shellie Wallace

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

July 22, 29, Aug. 5, 2011 fg12927

**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**

43

WILSON & ASSOCIATES, P.L.L.C.
**Attorneys at Law – Arkansas and Tennessee**
1521 Merrill Drive, Suite D-220
Little Rock AR 72211
501-219-9388; Fax: 501-219-9458
Internet: www.wilson-assoc.com

July 18, 2011

Department of Labor & Workforce Development
220 French Landing Drive
Nashville, Tennessee 37243

91 7108 2133 3939 2258 4813

RE: Wesly C. Montague and April L. Montague
719 Currey Road
Nashville, Tennessee 37217
W&A No. 791-212651

Dear Department of Labor:

Pursuant to the above-referenced nonjudicial foreclosure proceeding, enclosed are copies of the following documents:

1. Notice of Trustee's Sale;
2. Tennessee State Tax Lien; and
3. First and last pages from the Deed of Trust pertinent to the subject property.

By virtue of this letter, I am giving notice as required of a possible state tax lien filed against the Defendant, Wesley C. Montague and dba Montague, Wesley C., said lien being more particularly described in the enclosed Notice of Trustee's Sale.

Thank you for your consideration and attention to this matter. Should you have any questions, please do not hesitate to contact us.

Sincerely,

**WILSON & ASSOCIATES, P.L.L.C.**

Shellie Wallace

Enclosures
cc w/enc.: @@@@@ @@@@@ @@@@@

CtoStateTaxLaborreLienTN-NJ_msanders_110718_934

TN Dept. of Labor & Workforce Dev.
Employment Security Division
Employer Accts-Delinquency Control
220 French Landing Drive
Nashville, TN 37243
615-741-5103

# NOTICE OF TAX LIEN

DL

Account No.:
0704-841 2
Lien No.:
09-3670
County:
Davidson
Page:
1

Employer:

WESLEY C MONTAGUE, INDIVIDUALLY AND D/B/A
MONTAGUE, WESLEY C
719 CURRY RD
NASHVILLE, TN 37217

Pursuant to the provisions of T.C.A. § 50-7-404 et. Seq., a lien exists in favor of the State of Tennessee Department of Labor and Workforce Development upon all property and all rights, title and interest in property acquired either prior to or subsequent to the filing of this notice, belonging to the above named employer. Notice is hereby given that there have been assessed unemployment taxes, job skills fees, costs, and/or penalty and interest against the said employer, which after demand for payment thereof remain unpaid. The amount of said unemployment taxes, job skills fees, costs, and/or penalty and interest either previously accrued or to accrue in the future without payment, constitutes the amount of said lien.

Periods for which unemployment taxes, job skills fees, costs, and/or penalty and interest have been assessed, and the amounts thereof, are as follows:

| Qtr/Year | Tax Due | Interest Through | | Penalty Due | Filing Fee |
|---|---|---|---|---|---|
| 3/2008 | $143.40 | 05/31/2009 | $15.06 | | $12.00 |
| 4/2008 | $295.04 | 05/31/2009 | $17.70 | | |
| | | | | TOTAL | $483.20 |

Witness my hand at Nashville, Tennessee, on the 15th day of May, 2009.

This instrument was prepared by the State of Tennessee Department of Labor and Workforce Development.

James G.Neeley
Commissioner of Labor and Workforce Development.

By Mark Howell
Delegate of Commissioner
Mark Howell

| FOR REGISTER USE ONLY - PRINT OR STAMP | |
|---|---|
| BOOK NO: | DATE: |
| PAGE NO: | TIME: |
| REGISTER: | BY: |

BILL GARRETT, Davidson County
Trans:T20090034244 LIENLWD
Recvd: 05/26/09 08:36 1 pgs
Fees:12.00 Taxes:0.00
[redacted]
20090526-0047734

STATE COPY

LB-0638 (Rev. 3/08)

8-24

STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
EMPLOYMENT SECURITY DIVISION

Legal Office
220 French Landing, 3B
Nashville, Tennessee 37243
(615) 741-3170
(615) 532-7386 FAX

August 1, 2011

Shellie Wallace
Wilson & Associates, PLLC
1521 Merrill Drive, Suite D-220
Little Rock, Arkansas 72211

RE: Property of Wesly C. Montague and April L. Montague
TDLWD Acct. # 0704-841
TDLWD Lien # ( Davidson)
Notice of Substitute Trustee's Sale

Dear Ms. Wallace:

Your letter of July 18, 2011, is acknowledged, along with the attendant Notice of Substitute Trustee's Sale, and this will respectfully advise:

1. That said Notice is accepted as being timely and adequate; and,

2. That the amount of delinquent unemployment taxes, penalty and interest computed to date of sale is $968.02.

It is requested that you further advise us after the sale regarding: (i) actual proceeds of sale; (ii) net mortgage balance owed to the foreclosing creditor; (iii) sale costs; (iv) other liens, and this Agency's apparent position of priority with respect to same; and, (v) your proposed distribution of sale proceeds.

Should you have further questions regarding this matter, please let us know.

Sincerely,

Alfred M. Smith, Jr.
Counsel to Commissioner

AMS:LRR

cc: Delinquency Control

WH 212651