PREPARED BY AND RETURN TO:
Shapiro & Kirsch, LLP, Attorney
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
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BILL GARRETT, Davidson County
Trans:T20110065169 DEEDTRS
Recvd: 10/18/11 14:40 3 pgs
Fees:18.00 Taxes:222.00
20111018-0081103

Name: Heirs of James A. Marcrum, and Elvira Marcrum; Jesse Marcrum and Theresa Rose Garvin

S&K#: 11-021967

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated January 22, 2003, recorded in Instrument No. 20030129-0012362 in the Register's Office of Davidson County, Tennessee, James A. Marcrum and Elvira Marcrum, husband and wife conveyed to FMLS, Inc., 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, Fidelity Bank appointed the undersigned as Substitute Trustee by Instrument of record in instrument number 20110902-0068130, 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, Fidelity 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 Fidelity 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 September 26, 2011, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, at 10:00AM; 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 Jack Holt, whose address is 365 River Drive, Mount Juliet, TN 37122, at and for the sum of [redacted], that being the highest and best bid offered; and,

WHEREAS, the purchaser, Jack Holt, 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 Jack Holt 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 Jack Holt his heir, successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Nashville, County of Davidson, State of Tennessee, to-wit:

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

Lot Number 33 and the Westerly 5 feet of Lot Number 32, on the Map of Cumberland Nurseries, as of record in Book 161, Page 139, Register's Office for said County.

Said Lot Number 33 and the Westerly 5 feet of Lot Number 32 front together 61 feet on the Northerly side of Lutie Street and run back between parallel lines 180 feet to an alley.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20030129-0012362 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. 20030129-0012362 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200906290060253 re-recorded in 200907310071815, 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 Jack Holt his heir, 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 11th day of OCTOBER, 2011, before me, a Notary Public, in and for said State and County, personally appeared ASHLEY M. 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.

MEGAN HANNA
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

MY COMMISSION EXPIRES JANUARY 05, 2015

My commission expires: Notary Public

I, or we, hereby swear or affirm, that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $43,441.00 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 the date written above.

My commission expires: Notary Public

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER FOR THIS TRANSFER IS
$ 60,000
AFFIANT
SUBSCRIBED AND SWORN TO BEFORE ME, THIS
THE 18 DAY OF OCT 20 11
Deputy Register

PROPERTY ADDRESS: 222 Lutie Street, Nashville, Tennessee 37210

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Jack Holt
365 River Drive, Mount Juliet, TN 37122

S & K File #11-021967
Map & Parcel -119-05-0-219.00

PREPARER'S NOTE: IT IS THE GRANTEE'S RESPONSIBILITY TO RECORD THIS INSTRUMENT. FAILURE TO DO SO MAY ADVERSELY AFFECT TITLE OR INTEREST.

0101471086

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on September 26, 2011 at 10:00AM local time, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by James A. Marcrum and Elvira Marcrum, husband and wife, to FMLS, Inc., Trustee, on January 22, 2003 at Instrument No. 20030129-0012362; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Owner of Debt: Fidelity Bank

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

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

Lot Number 33 and the Westerly 5 feet of Lot Number 32, on the Map of Cumberland Nurseries, as of record in Book 161, Page 139, Register's Office for said County.

Said Lot Number 33 and the westerly 5 feet of Lot Number 32 front together 61 feet on the Northerly side of Lutie Street and run back between parallel lines 180 feet to an alley.

Street Address: 222 Lutie Street, Nashville, Tennessee 37210

Parcel Number: 119-05-0-219.00

Current Owner(s) of Property: Jesse Marcrum and Theresa Rose Garvin

Other Interested parties: AmSouth Bank and AmSouth Bank

The street address of the above described property is believed to be 222 Lutie Street, Nashville, Tennessee 37210, 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
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File No. 11-021967