PICK-UP

BILL GARRETT, Davidson County
Trans:T20110067542 DEEDTRS
Recvd: 10/27/11 15:57 9 pgs
Fees:48.00 Taxes:432.29
20111027-0083853

This instrument prepared by:
Joseph J. Jensen
Stites & Harbison, PLLC
604 West Main Street
Franklin, Tennessee 37064
Tel: 615-782-2380

Address New Owner:	Send Tax Bills To:	Map-Parcel:
Community South Bank P. O. Box 1680 Spring Hill, Tennessee 37174	Same	165-00-0-033.00

SUCCESSOR TRUSTEE'S DEED

This Successor Trustee's Deed is made and entered into on this the 25th day of October, 2011, by Joseph J. Jensen, Successor Trustee ("Successor Trustee").

WHEREAS, T.F. Homes, LLC ("Borrower"), by that certain Deed of Trust, dated October 31, 2011, recorded in Instrument Number 20051104-0133815 in the Office of the Register of Deeds for Davidson County, Tennessee (the "Deed of Trust"), conveyed to A. Neil Headden, Trustee, the Property (as hereinafter defined) to secure the payment of certain indebtedness described in the Deed of Trust (the "Indebtedness"), which Indebtedness is presently held and owned by Community South Bank (the "Lender"); and

WHEREAS, the Indebtedness became overdue and unpaid, and other conditions of default occurred, by reason of which the Lender declared the Deed of Trust to be in default, and notice was given of such default to Grantor, in the manner required by the terms of the Deed of Trust, but following such notice the default was not cured; and

WHEREAS, Lender appointed Joseph J. Jensen to serve as Successor Trustee in place of A. Neil Headden in accordance with the terms of the Deed of Trust, by that instrument recorded in Instrument Number 20110922-0073460, said Register's Office; and

WHEREAS, Lender directed the Successor Trustee to sell the Property as provided in the Deed of Trust, and the Successor Trustee caused notice to be published in the *City Paper* that the Property would be sold on October 25, 2011, at 10:05 a.m. prevailing Central Time, outside the entrance of the Office of the Davidson County Register of Deeds, Bridgestone Arena, 501 Broadway, Nashville, Davidson County, Tennessee, such Notice of Successor Trustee's Sale appearing in said paper on October 3, 2011, October 10, 2011 and October 17, 2011; and

WHEREAS, the Successor Trustee further sent a copy of the Notice of Successor Trustee's Sale to Grantor, and following the appearance of the Notice of Successor Trustee's Sale in said newspaper the default was not cured; and

WHEREAS, the Successor Trustee delivered a notice of the sale to the Tennessee Department of Revenue pursuant to T.C.A. § 67-1-1433; and

WHEREAS, the Successor Trustee at the time, place and date specified in the Notice of Successor Trustee's Sale offered the Property for sale, and after opening the floor for competitive bids, sold the Property to Community South Bank, at the price of One Hundred Sixteen Thousand Eight Hundred Thirty Six and No/100 Dollars ($116,836.00), this being the highest, last and best bid.

NOW, THEREFORE, I, Joseph J. Jensen, Successor Trustee as aforesaid, in consideration of the premises and the sum of One Hundred Sixteen Thousand Eight Hundred Thirty Six and No/100 Dollars ($116,836.00), to me in hand paid, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto Community South Bank, its successors and assigns (the "Grantee") all of my right, title and interest in and to the following described real estate, together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil, timber and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to the property, if any, but no further or otherwise, located in Davidson County, Tennessee (collectively, the "Property"), and more particularly described as follows, to wit:

> Land in the 2nd Civil District of Davidson County, Tennessee, described partly according to a survey made by George W. Watkins, Surveyor, October 10, 1952, as follows:
>
> Beginning at an iron pin on the southerly margin of Pin Hook Road at the northeast corner of the property conveyed to Barnell Fowler and wife, by deed from L. L. Wilburn and wife, of record in Book 2093, page 479, Register's Office for said County; thence with the eastern boundary line of said Fowler property and the property owned by Azilee Hill, South 1 degree West 325 feet to an iron pin in the northern boundary line of property South 87 degrees 30 minutes East 230 feet; thence North 1 degree East 325 feet, more or less to the southerly margin of said Pin Hook Road; thence with the southerly margin of said Road, North 87 degrees 30 minutes 230 feet to the beginning.
>
> Being the same property conveyed to T.F. Homes, LLC, by Warranty Deed from James E. Lowe and wife, Karen D. Lowe, dated October 31, 2005, as of record in Instrument No. 20051104-0133814, Register's Office for Davidson County, Tennessee. AND Being the same property conveyed to Ralph Stevens and Jack Williams by Quitclaim Deed from T.F. Homes, LLC, dated December 7, 2005, as of record in Instrument No. 20051209-0148065, Register's Office for Davidson County, Tennessee.

To have and to hold the Property, free of all rights which are expressly waived in the Deed of Trust, as provided in, but only to the extent provided in, said Deed of Trust.

Grantee hereunder accepts title to the Property and all improvements thereon in an AS IS WHERE IS condition, and without representation or warranty from Successor Trustee as to any matter whatsoever, and by accepting this Successor Trustee's Deed, Grantee represents and warrants that it has conducted its own due diligence with regard to the Property and matters of title related to the Property, and represents and warrants that it has not relied on any statement or action made by Successor Trustee. Without limiting the foregoing, SUCCESSOR TRUSTEE DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ADDITIONALLY, SUCCESSOR TRUSTEE DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES AS TO THE ABSENCE OR PRESENCE ON OR UNDER THE PROPERTY OF HAZARDOUS SUBSTANCES AS DEFINED BY ANY ENVIRONMENTAL LAWS, INCLUDING WITHOUT LIMITATION THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT ("CERCLA") OR SIMILAR FEDERAL AND STATE LEGISLATION (COLLECTIVELY, THE "ENVIRONMENTAL LAWS"). Grantee accepts title to the Property subject to any problems arising in connection with the Property and/or the improvements located thereon, including without limitation problems arising out of or in connection with deterioration of any improvements thereon, violations of the Environmental Laws, and potential flood hazards. By accepting the Successor Trustee's Deed, Grantee agrees to indemnify and hold the Successor Trustee harmless from any and all costs, expenses, and liability, including without limitation attorneys' fees, arising out of or in connection with any of the foregoing.

Grantee hereunder accepts title to the Property and all improvements thereon subject to any and all unpaid real estate taxes, restrictive covenants, easements and setback lines; any and all redemption rights, including rights of redemption of any governmental agency, State or Federal, and any and all other prior liens or encumbrances against said real property.

WITNESS the signature of the Successor Trustee on this the day and date first above written.

Joseph J. Jensen, Successor Trustee

STATE OF TENNESSEE)
)
COUNTY OF WILLIAMSON)

Before me, Paul Allen England, a Notary Public of the State and County aforesaid, personally appeared Joseph J. Jensen, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Successor Trustee, and that he as such Successor Trustee being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing his name as Successor Trustee.

Witness my hand and seal, this 27th day of ~~September,~~ October 2011.

Notary Public

My commission expires: January 9, 2012

PAUL ALLEN ENGLAND
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires January 9, 2012

STATE OF TENNESSEE)
)
COUNTY OF WILLIAMSON)

The actual consideration or value, whichever is greater, for this transfer is One Hundred Sixteen Thousand Eight Hundred Thirty Six and No/100 Dollars ($116,836.00).

A. Neil Headden, Regional President

Subscribed and sworn to before me this the 25th day of October, 2011.

Notary Public

My commission expires: 11-20-2011

MARCIA L. CARROLL
STATE OF TENNESSEE NOTARY PUBLIC
MAURY COUNTY, TENN.

STITES & HARBISON PLLC
ATTORNEYS

COPY

SunTrust Plaza
401 Commerce Street
Suite 800
Nashville, TN 37219
(615) 782-2200
(615) 782-2371 Fax
www.stites.com

September 28, 2011

Paul Allen England
(615) 782-2262
(615) 742-0705 FAX
paul.england@stites.com

HAND DELIVERED

TENNESSEE DEPARTMENT OF REVENUE
Tax Enforcement Division
Andrew Jackson Building
500 Deaderick Avenue
Nashville, Tennessee 37242

RE: Tenn. Code Ann. §67-1-1433 Notice of Sale
T.F. Homes, LLC
Entity ID: 62-1828091

Dear Tax Enforcement Division:

This firm represents Community South Bank which holds a deed of trust related to a promissory note executed by T.F. Homes, LLC in the original principal amount of $115,370.50, dated October 31, 2005, which was later modified and renewed. (The original note and all modifications, amendments and renewals thereof are referred to herein, collectively, as the "Note.") Said Note is secured by a deed of trust dated October 31, 2005 and recorded as Instrument Number 20051104-0133815 in the Register's Office for Davidson County, Tennessee (as modified or amended, the "Deed of Trust.") The Note is in default and the default has not been cured. The holder of the Note, therefore, has declared the Note to be in default so that full payment of the Note is now required and has demanded that the property covered by the Deed of Trust securing the Note, and hereinafter described, be advertised and sold in satisfaction of said indebtedness and the costs of foreclosure.

It is my understanding that the Tennessee Department of Revenue has filed a Notice of State Tax Lien against the property of T.F. Homes, LLC ("T.F. Homes"). Therefore, this notice is being submitted to you pursuant to Tenn. Code Ann. §67-1-1433.

A. This notice is submitted by Stites & Harbison, PLLC, 401 Commerce Street, Suite 800, Nashville, Tennessee 37219, on behalf of Community South Bank.

B. The Tennessee Department of Revenue has filed a Notice of State Tax Lien ("State Tax Lien Notice") against T.F. Homes, Entity ID# 62-1828091. The address of T.F. Homes as shown on the State Tax Lien Notice is 2572 Murfreesboro Pike, Nashville, Tennessee 37217-3504. The State Tax Lien Notice is dated May 14, 2009, and is of record as Instrument Number 20090518-0045196, said Register's Office. A copy of said State Tax Lien Notice is enclosed herewith for your convenience as Exhibit A.

C. The street address of the Property is believed to be 3863 Pin Hook Road, Antioch, Tennessee, said property being more particularly described as that certain real property situated in Davidson County, Tennessee, as follows (the "Property"):

> Land in the 2nd Civil District of Davidson County, Tennessee, described partly according to a survey made by George W. Watkins, Surveyor, October 10, 1952, as follows:
>
> Beginning at an iron pin on the southerly margin of Pin Hook Road at the northeast corner of the property conveyed to Barnell Fowler and wife, by deed from L. L. Wilburn and wife, of record in Book 2093, page 479, Register's Office for said County; thence with the eastern boundary line of said Fowler property and the property owned by Azilee Hill, South 1 degree West 325 feet to an iron pin in the northern boundary line of property South 87 degrees 30 minutes East 230 feet; thence North 1 degree East 325 feet, more or less to the southerly margin of said Pin Hook Road; thence with the southerly margin of said Road, North 87 degrees 30 minutes 230 feet to the beginning.
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> Being the same property conveyed to T.F. Homes, LLC, by Warranty Deed from James E. Lowe and wife, Karen D. Lowe, dated October 31, 2005, as of record in Instrument No. 20051104-0133814, Register's Office for Davidson County, Tennessee. AND Being the same property conveyed to Ralph Stevens and Jack Williams by Quitclaim Deed from T.F. Homes, LLC, dated December 7, 2005, as of record in Instrument No. 20051209-0148065, Register's Office for Davidson County, Tennessee.

D. The Property herein described will be sold at public auction for cash by Joseph J. Jensen, Successor Trustee, or his agent, on Tuesday, October 25, 2011, at 10:05 a.m., prevailing Central Time, outside the entrance of the Office of the Davidson County Register of Deeds, Bridgestone Arena, 501 Broadway, Nashville, Tennessee. A copy of the Notice of Successor Trustee's Sale is attached hereto as Exhibit B and a copy of the Deed of Trust is attached hereto as Exhibit C.

E. The approximate amount of principal indebtedness on the Note is **$108,670.95** with accrued interest in the amount of **$2,177.08** and late charges in the amount of **$627.35** as of September 28, 2011. The per diem rate of interest for every day after September 28, 2011 is **$20.37580**. Accordingly, the total indebtedness secured by the Deed of Trust as of September 28, 2011 is approximately **$111,475.38** plus the expenses and attorneys' fees incurred in

connection with the foreclosure. It is anticipated that additional costs and expenses of the foreclosure will be approximately **$3,500.00**.

The Property herein described is also subject to the following encumbrances:

1. Davidson County, Tennessee taxes.

2. State Tax Lien Notice as described above.

3. Order for Confirmation of Arbitration Award and Entry of Judgment in Case No. 05-1283-III in the Chancery Court for Davidson County, Tennessee, of record in Instrument Number 20060307-0026040, said Register's Office.

4. Order of Default Judgment in Case No. 08-2259-II in the Chancery Court for Davidson County, Tennessee, of record in Instrument Number 20090123-0006222, said Register's Office.

5. Order Awarding Prejudgment Interest in Case No. 08-2259-II in the Chancery Court for Davidson County, Tennessee, of record in Instrument Number 20090225-0016696, said Register's Office.

6. Order in Case No. 08C2853 in the Fifth Circuit Court for Davidson County, Tennessee, of record in Instrument Number 20101201-0095681, said Register's Office.

7. Order in Case No. 09-2258-IV in the Chancery Court for Davidson County, Tennessee, of record in Instrument Number 20110315-0020488, said Register's Office.

8. Order for Default Judgment in Case No. 10C4803 in the Circuit Court for Davidson County, Tennessee, of record in Instrument Number 20110329-0024177, said Register's Office.

9. Agreed Order of Judgment in Case No. 10CV-1309 in the Chancery Court for Rutherford County, Tennessee, of record in Instrument Number 20110509-0035462, said Register's Office.

10. Abstract of Judgment in Case No. 3:10-0034 in the United States District Court, Middle District of Tennessee, of record in Instrument Number 20110627-0049049, said Register's Office.

11. All matters as shown on survey made by George W. Watkins, Surveyor, dated October 10, 1952.

12. Right of way of Pin Hook Road.

13. Matters which a current, accurate survey of the Property might disclose.

14. All other easements and restrictions of record in said Register's Office.

Please accept this letter as the twenty-five (25) day notice required by Tenn. Code Ann. §67-1-1433 which notice must be given to the Commissioner of the State of Tennessee Department of Revenue or his delegate. Please advise me immediately of any deficiency or inadequacy in this notice.

Sincerely,

STITES & HARBISON, PLLC

Paul Allen England

Enclosures
cc: Client

TENNESSEE DEPARTMENT OF REVENUE
Personal Service Accepted:

By: Eddie White

Date: 09-28-11

15709N:111160:910609:1:NASHVILLE

OCT - 5 2011

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

September 30, 2011

Paul Allen England
Stites & Haribson, PLLC
Sun Trust Plaza
401 Commerce Street, Suite 800
Nashville, TN 37219

Re: Foreclosure Sale of Property Owned by: **T.F. Homes, LLC**
Entity Number: **001 621828091/000**
Property: 3863 Pin Hook Road, Antioch, TN

This is in reference to your letter dated September 28, 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 **October 25, 2011** is **$98,907.85**. *(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*