PREPARED BY AND RETURN TO:
Lori Winston
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
Fax (901)761-5690

BILL GARRETT, Davidson County
Trans:T20120003580 DEEDTRS
Recvd: 01/17/12 09:28 3 pgs
Fees:18.00 Taxes:416.25
20120117-0004278

Name: John R. Smith, and Ruby L. Smith

S&K#: 11-022162

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated October 24, 2007, recorded in Instrument No. 20071210-0142616 in the Register's Office of Davidson County, Tennessee, John R. Smith and Ruby L. Smith, husband and wife conveyed to Biltmore Title, LLC, 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, Atlantic Coast Bank appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20110906-0068909, 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, Atlantic Coast 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 Atlantic Coast 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 November 11, 2011 at 12:00PM at which time it was announced the sale adjournment to be held on December 27, 2011, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, at 12:00PM; 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 Atlantic Coast Bank, whose address is Residential Credit Solutions, 4282 N. Freeway, Fort Worth, Texas 76137, at and for the sum of $112,500.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, being the holder of the indebtedness 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 Atlantic Coast Bank 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 Atlantic Coast Bank his successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Antioch, County of Davidson, State of Tennessee, to-wit:

Described property located in Davidson County, Tennessee, to wit:
Being Lot Number 44 on the Final Plat of Harvest Grove, Section One, as shown by plat appearing of record in Instrument Number 20060726-0090037, as amended in 20061116-0142300, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20071210-0142616 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. 20071210-0142616 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 20071200142615, 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 Atlantic Coast Bank his 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 4th day of January 2012 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.

06/01/14
My commission expires:

Claire H. Julian
Notary Public

CLAIRE H. JULIAN STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. JUNE 01, 2014

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 $112,500.00 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.

06/01/14
My commission expires:

Claire H. Julian
Notary Public

PROPERTY ADDRESS: 245 Grovedale Trace, Antioch, Tennessee 37013

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Atlantic Coast Bank
4282 N. Freeway
Fort Worth, Texas 76137

CLAIRE H. JULIAN STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF SHELBY MY COMM. EXP. JUNE 01, 2014

S & K File #11-022162
Map & Parcel -164070A04400CO

PREPARED BY AND RETURN TO:
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COST OF PUBLICATION

First Insertion [redacted]
Second Insertion [redacted]
Third Insertion [redacted]

Total [redacted]

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on **November 11, 2011 at 12:00 PM local time,** at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by John R. Smith and Ruby L. Smith, husband and wife, to Biltmore Title, LLC, Trustee, on October 24, 2007 at Instrument No. 20071210-0142616; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Owner of Debt: Atlantic Coast Bank

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

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

Being Lot Number 44 on the Final Plat of Harvest Grove, Section One, as shown by plat appearing of record in Instrument Number 20060726-0090037, as amended in 20061116-0142900, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description.

Street Address: 245 Grovedale Trace, Antioch, Tennessee 37013

Parcel Number: 164070A04400CO

Current Owner(s) of Property: John R. Smith and Ruby L. Smith

The street address of the above described property is believed to be 245 Grovedale Trace, Antioch, Tennessee 37013, 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. 11-022162
Oct. 14, 21, 28, 2011 Fgl13399

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:

October 14, 2011
October 21, 2011
October 28, 2011

THE WESTVIEW NEWSPAPER, LLC

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this 28th day of **October 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