PREPARED BY AND RETURN TO:
Lori Winston
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BILL GARRETT, Davidson County
Trans:T20120011128 DEEDTRS
Recvd: 02/14/12 14:11 3 pgs
Fees:18.00 Taxes:218.30
20120214-0012993

Name: Adam Bane

S&K#: 11-020537

**SUBSTITUTE TRUSTEE'S DEED**

WHEREAS, by Deed of Trust dated February 28, 2006, recorded in Instrument No. 20060306-0025627 in the Register's Office of Davidson County, Tennessee, Adam Bane, unmarried man conveyed to J. Phillip Jones, 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, The Bank of New York Mellon, as Successor Indenture Trustee under NovaStar Mortgage Funding Trust, Series 2006-1 appointed the undersigned as Substitute Trustee by Instrument of record in instrument number 20110805-0060475, 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 pursuant to T.C.A. §35-5-117(a), Notice of the Right to Foreclose was not required.

WHEREAS, The Bank of New York Mellon, as Successor Indenture Trustee under NovaStar Mortgage Funding Trust, Series 2006-1 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 The Bank of New York Mellon, as Successor Indenture Trustee under NovaStar Mortgage Funding Trust, Series 2006-1, 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 February 3, 2012, 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 James C. Carter and Kevin Duks, whose address is 131 Riverwood Dr., Franklin, TN 37069, at and for the sum of $59,000.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, James C. Carter and Kevin Duks, 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 James C. Carter and Kevin Duks 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 James C. Carter and Kevin Duks their heirs, 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 185 on the Plan of Maplecrest Subdivision as of record in Book 1835, page 27 and 28, Register's Office for said County.
Said Lot Number 185 fronts 95 feet on the northerly side of Weona Drive and runs back between parallel lines 150 feet more or less to a dead line.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20060306-0025627 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. 20060306-0025627 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200603060025626, 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 James C. Carter and Kevin Duks their heirs, 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

D. Denise Griffin, Managing Foreclosure Attorney
Ashley M. Jones, Authorized Agent

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 8th day of February, 2012, before me, a Notary Public, in and for said State and County, personally appeared Denise Griffin, with whom I am personally acquainted, and who, upon oath acknowledged to be managing attorney 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.

LORI E. WINSTON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

10-10-2012
My commission expires:

Notary Public

My Comm. Exp. 10-10-2012

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 $59,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER FOR THIS TRANSFER IS
$ 59,000
James C. Carter, Jr.
AFFIANT
SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 14 DAY OF February 20 12
Deputy Register

Subscribed and sworn to before me on the date written above.

My commission expires:

Notary Public

**PROPERTY ADDRESS:** 2306 Weona Drive, Nashville, Tennessee 37214

**PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
James C. Carter and Kevin Duks
131 Riverwood Dr., Franklin, TN 37069

**S & K File #11-020537**
**Map & Parcel -08411020000**

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

**COST OF PUBLICATION**

| | |
|---|---|
| **First Insertion** | **$200.00** |
| **Second Insertion** | **200.00** |
| **Third Insertion** | **200.00** |
| **Total** | **$600.00** |

**SUBSTITUTE TRUSTEE'S SALE**

Sale at public auction will be on **February 3, 2012 at 12:00 P.M. local time,** at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by Adam Bane, unmarried man, to J. Phillip Jones, Trustee, on February 28, 2006 at Instrument No. 20060306-0025627; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Owner of Debt: The Bank of New York Mellon, as Successor Indenture Trustee under NovaStar Mortgage Funding Trust, Series 2006-1

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:

Lot Number 185 on the Plan of Maplecrest Subdivision as of record in Book 1635, Page 27 and 28, Register's Office for said County.

Said Lot Number 185 fronts 95 feet on the northerly side of Weona Drive and runs back between parallel lines 150 feet more or less to a dead line.

Street Address: 2306 Weona Drive, Nashville, Tennessee 37214

Parcel Number: 08411020000

Current Owner(s) of Property: Adam Bane, unmarried man

The street address of the above described property is believed to be 2306 Weona Drive, Nashville, Tennessee 37214, 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 tender 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
www.kirschattorneys.com
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555 Perkins Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-5566
Fax (901)761-5690

File No. 11-020537
Jan. 6, 13, 20, 2012 Fh13949

**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, Williamson, Cheatham and Dixon County in Tennessee, states that the hereto attached publication appeared in The Westview on the following dates:

**January 6, 2011**
**January 13, 2012**
**January 20, 2012**

**THE WESTVIEW NEWSPAPER, LLC**

**By:** _____

**Catron J. Kerr, Administrative Assistant**

**STATE OF TENNESSEE**

On this **20th** day of **January 2012,** 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**