PREPARED BY AND RETURN TO:
Joanna Weir
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555 Perkins Road Extended, Second Floor
Memphis, TN 38117
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BILL GARRETT, Davidson County
Trans:T20120012318 DEEDTRS
Recvd: 02/21/12 09:14 3 pgs
Fees:17.00 Taxes:0.00
20120221-0014476

Tennessee FHA

Name: Paul Clary, and Rosie Spain

S&K#: 11-026237

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated October 30, 2002, recorded in Instrument No. 20021108-0137796 in the Register's Office of Davidson County, Tennessee, Paul Clary, single, and Rosie Spain, single conveyed to Mid South Title Company, 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, EverBank appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20111227-0100821, 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, EverBank 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 EverBank, 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 January 27, 2012, 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 EverBank, whose address is EverBank, 8100 Nations Way, Jacksonville, Florida 32256, at and for the sum of $136,890.54, that being the highest and best bid offered; and,

WHEREAS, the said EverBank has assigned its interests in the said property to Secretary of Housing and Urban Development, Washington, D.C., his successors and assigns; 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 EverBank 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 Secretary of Housing and Urban Development, Washington, D.C. his 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:

Land in Davidson County, Tennessee, being part of the Plan of River Plantation, Section One, Condominium Apartments, as of record in Book 4460, page 59, Register's Office for Davidson County, Tennessee, the part hereby described being:

Unit No. F-6 on the said Plan together with the Carport designated No. F-6-C, as shown in and described by the Master Deed Establishing Horizontal Property Regime with respect to River Plantation, Section One, Condominium.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20021108-0137796 in the Register's Office of Davidson County, Tennessee.

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 EverBank 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

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

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 10th day of Feb., 2012, before me, a Notary Public, in and for said State and County, personally appeared D. Denise Griffin, with whom I am personally acquainted, and who, upon oath acknowledged to be Auth. 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.

MY COMMISSION EXPIRES
JANUARY 05, 2015
My commission expires:

Notary Public

MARGO RICHARDSON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

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 $136,890.54 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
JANUARY 05, 2015
My commission expires:

Notary Public

MARGO RICHARDSON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

PROPERTY ADDRESS: 8207 Sawyer Brown Road #F6, Nashville, Tennessee 37221

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
EverBank 8100 Nations Way
Jacksonville, Florida 32256

S & K File #11-026237
Map & Parcel -142-01-0A-038.00

PREPARED BY AND RETURN TO:
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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 January 27, 2012 at 10:00 AM local time, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by Paul Clary, single, and Rosie Spain, single, to Mid South Title Company, Trustee, on October 30, 2002 at Instrument No. 20021108-0137796; conducted by Shapiro & Kirsch, LLP Substitute Trustee; all of record in the Davidson County Register's Office.

Owner of Debt: EverBank

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

Land in Davidson County, Tennessee, being part of the Plan of River Plantation, Section One, Condominium Apartments, as of record in Book 4460, page 59, Register's Office for Davidson County, Tennessee, the part hereby described being:

Unit No. F-6 on the said Plan together with the Carport designated No. F-6-C, as shown in and described by the Master Deed Establishing Horizontal Property Regime with respect to River Plantation, Section One, Condominium.

Street Address: 8207 Sawyer Brown Road #F6, Nashville, Tennessee 37221

Parcel Number: 142-01-0A-038.00

Current Owner(s) of Property: Paul Clary, unmarried, and Rosie Spain, unmarried

Other Interested parties: River Plantation Section I Homeowners' Association c/o Maury & Smith Contractors, Inc. and River Plantation Section I Homeowners' Association c/o David Floyd & Associates, Inc.

The street address of the above described property is believed to be 8207 Sawyer Brown Road #F6, Nashville, Tennessee 37221, 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.

SALE IS SUBJECT TO HOA LIEN HELD BY RIVER PLANTATION SECTION I HOMEOWNERS' ASSOCIATION , OF RECORD AT INSTRUMENT NO. 20110428000222660, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

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
www.kirschattorneys.com
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File No. 11-026237
Dec. 30, 2011 Jan. 6, 13, 2012 Fg13927

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:

December 30, 2011
January 6, 2012
January 13, 2012

THE WESTVIEW NEWSPAPER, LLC

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this 13th 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