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:T20120027769 DEEDTRS
Recvd: 04/17/12 10:27 6 pgs
Fees:33.00 Taxes:928.70
20120417-0032618

Name: Ernest R. Smith Jr., and Elizabeth H. Smith

S&K#: 11-026651

**SUBSTITUTE TRUSTEE'S DEED**

WHEREAS, by Deed of Trust dated November 22, 2003, recorded in Instrument No. 20040324-0033157 in the Register's Office of Davidson County, Tennessee, Ernest R. Smith, Jr., and Elizabeth H. Smith conveyed to PRLAP, 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, Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20111213-0097034, 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, Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP 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 Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, 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 March 23, 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 Aubrey Hiam, whose address is 265 Hunters Lane, Hendersonville, TN 37075, at and for the sum of $251,000.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, Aubrey Hiam, 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 Aubrey Hiam 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 Aubrey Hiam his 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 2 on the Plan of Kimpalong Place Subdivision of Lot Numbers 35 and 36 of record in Plat Book 4060, Page 142, Register's Office for Davidson County, Tennessee

Said Lot Number 2 fronts 65 feet on the Northerly margin of Kimpalong Avenue and extends back between parallel lines 175 to a dead line in the rear.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20040324-0033157 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. 20040324-0033157 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Book 11630, Page 896, 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.

This conveyance is subject to the right of the United States of America to redeem the land as provided for in 26 U.S.C. 7425 (d) (1). Attached hereto is a copy of said notice and letter of compliance.

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 Aubrey Hiam his 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

Ashley M. Jones, Authorized Agent

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 10th day of April, 2012, 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.

CLAIRE H. JULIAN
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXPIRE 06, 01, 2014

06/01/14
My commission expires:

Claire H. Julian
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 $251,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

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

My commission expires:

Notary Public

**PROPERTY ADDRESS:** 3904 Kimpalong Avenue, Nashville, Tennessee 37205

**PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
Aubrey Hiam
265 Hunters Lane, Hendersonville, TN 37075

**S & K File #11-026651**
**Map & Parcel -103 16 0 117.00**

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

STATE OF TENNESSEE
COUNTY OF DAVIDSON
The actual consideration or true value, whichever is greater for this transfer is
$ 251,000
, Affiant
Subscribed and sworn before me this the
17th Day of April, 2012
L. Chambers, Deputy Register

**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 **March 23, 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 Ernest R. Smith, Jr. and Elizabeth H. Smith, to PRLAP, Inc., Trustee, on November 22, 2003 at Instrument No. 20040324-0033157; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Owner of Debt: Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP

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 2 on the Plan of Kimpalong Place Subdivision of Lot Numbers 35 and 36 of record in Plat Book 4060, Page 142, Register's Office for Davidson County, Tennessee

Said Lot Number 2 fronts 65 feet on the Northerly margin of Kimpalong Avenue and extends back between parallel lines 175 to a dead line in the rear.

Street Address: 3904 Kimpalong Avenue, Nashville, Tennessee 37205

Parcel Number: 103 16 0 117.00

Current Owner(s) of Property: Ernest R. Smith, Jr., and spouse, Elizabeth H. Smith

Other interested parties: Bank of America, N.A.

The street address of the above described property is believed to be 3904 Kimpalong Avenue, Nashville, Tennessee 37205, 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.

Notice of this Substitute Trustee's Sale has been timely given to the United States as required by 26 U.S.C. § 7425(b).

**Terms of Sale will be public auction, for cash, free and clear of rights of homestead, redemption and dower, and the rights of Ernest R. Smith, Jr., and Elizabeth H. Smith, and those claiming through them, and subject to the right of redemption by the DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE by reason of tax lien of record in Instrument Number 20110805-0080254 at the Register's Office of Davidson County, Tennessee, subject to any accrued taxes and restrictions.**

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
Law Office of Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-5566
Fax (901)761-5690

File No. 11-026651
Feb. 24, Mar. 2, 9, 2012 Fht14241

**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:

**February 24, 2012**
**March 2, 2012**
**March 9, 2012**

**THE WESTVIEW NEWSPAPER, LLC**

**By:** _____
**Catron J. Kerr, Administrative Assistant**

**STATE OF TENNESSEE**

On this 9th day of **March 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**

Gerald M. Shapiro
Admitted in Illinois & Florida
Joe M. Kirsch, Managing Partner
Admitted in Tennessee
Sharon N. Fewell, Managing Attorney
Admitted in Arkansas & Tennessee
D. Denise Griffin
Admitted in Arkansas & Tennessee
Ashley M. Jones
Admitted in Arkansas & Tennessee



Shapiro and Kirsch, LLP
ATTORNEYS AT LAW

Bonnie B. Culp
Admitted in Tennessee
Robert Schneider
Admitted in Tennessee
Matthew W. Graves
Admitted in Arkansas Federal Courts, Kentucky & Tennessee
Jeremiah L. McGuire
Admitted in Tennessee
Philip M. Brooks
Admitted in Tennessee

**February 22, 2012**

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
**(RECEIPT # 7196 9008 9111 4509 3324)**

Internal Revenue Service
Area Director - Compliance
Attn: Technical Support - P. Jackson
801 Broadway - MDP 53
Nashville, TN 37203

**Attention: P. Jackson**

Dear Sir:

The undersigned, Substitute Trustee, under that certain purchase money Deed of Trust from Ernest R. Smith, Jr., and Elizabeth H. Smith to PRLAP, Inc., Trustee, dated November 22, 2003, recorded in the Register's Office of Davidson County, Tennessee, in Instrument No. 20040324-0033157 has been requested by the noteholder, Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, to sell the security pursuant to the terms of the obligation secured thereby and notice of the proposed sale is hereby given pursuant to Section 7425 of the Internal Revenue Code of 1954.

Enclosed please find a copy of the Notice of Federal Tax Liens recorded in Instrument Number 20110805-0060254, in the Register's Office of Davidson County, TN.

With respect to the property to be sold, the following information is hereby given:

(a) The description of the property is affected by the Notice, as listed in the deed and Deed of Trust recorded in the aforesaid Register's Office Described property located in Davidson County, Tennessee, to wit:

(b) Lot Number 2 on the Plan of Kimpalong Place Subdivision of Lot Numbers 35 and 36 of record in Plat Book 4060, Page 142, Register's Office for Davidson County, Tennessee Said Lot Number 2 fronts 65 feet on the Northerly margin of Kimpalong Avenue and extends back between parallel lines 175 to a dead line in the rear.

(b) The proposed sale of the property, pursuant to the terms of the first Deed of Trust referred to above is to be held on **March 23, 2012 @ 10:00AM;** Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee.

The approximate amount of the principal obligation, including interest, secured by the lien of said Deed of Trust and description of the other expenses which may be charged against the sale proceeds are as follows:

| | |
|---|---|
| Total Amount Due | $247,304.38 |
| Attorney fees | $600.00 |
| Advertisement | $450.00 |
| Recording charges | $32.00 |
| State tax | $819.68 |
| TOTAL | $249,206.06 |

Enclosed is a copy of the Deed of Trust.

If your office is in need of further information, please advise.

**Sincerely,**

**LAW OFFICES OF SHAPIRO & KIRSCH, LLP**

Joe M. Kirsch

Enclosures
cc: Bank of America, N.A.

irs2.ltr
S & K #11-026651

4770

Form 668 (Y)(c)
(Rev. February 2004)

Department of the Treasury - Internal Revenue Service

# Notice of Federal Tax Lien

Area:
WAGE & INVESTMENT AREA #3
Lien Unit Phone: (800) 829-7650

Serial Number
803634911

For Optional Use by Recording Office

**As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.**

BILL GARRETT, Davidson County
Trans:T20110047844 LIENFTL
Recvd: 08/05/11 08:43 1 pgs
Fees:12.00 Taxes:0.00
20110805-0060254

Name of Taxpayer ERNEST R & ELIZABETH H SMITH

Residence 3904 KIMPALONG DR
NASHVILLE, TN 37205-1950

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|---|---|---|---|---|---|
| 1040 | 12/31/2007 | XXX-XX-2775 | 05/18/2009 | 06/17/2019 | 15466.56 |
| 1040 | 12/31/2008 | XXX-XX-2775 | 06/01/2009 | 07/01/2019 | 26085.45 |
| 1040 | 12/31/2009 | XXX-XX-2775 | 05/31/2010 | 06/30/2020 | 2057.51 |

Place of Filing
Register of Deeds
Davidson County
Nashville, TN 37201

Total $ 43609.52

This notice was prepared and signed at NASHVILLE, TN, on this,

the 27th day of July, 2011.

Signature
for PAMELA J ROGERS

Title
ACS W&I
(800) 829-7650

13-00-0001

**(NOTE:** Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X