PREPARED BY AND RETURN TO:
Travis Scaggs
Shapiro & Kirsch, LLP
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Memphis, TN 38117
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BILL GARRETT, Davidson County
Trans:T20120042837 DEEDTRS
Recvd: 06/11/12 11:15 3 pgs
Fees:17.00 Taxes:0.00
20120611-0050770

Name: John W. Smith, and Glenda G. Cottrell
S&K#: 12-031293

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated March 28, 2008, recorded in Instrument No. 20080401-0032543, in the Register's Office of Davidson County, Tennessee, John W. Smith, an unmarried man, and Glenda G. Cottrell, an unmarried woman conveyed to Larry N. Westbrook, Esq., 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, PHH Mortgage Corporation appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20120413-0031559, 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, PHH Mortgage Corporation 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 Foreclosure 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 PHH Mortgage Corporation, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of said Deed of Trust, by which advertisement the sale was appointed to be held on May 25, 2012, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, at 12:00 PM; 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 PHH Mortgage Corporation, whose address is PHH Mortgage Corporation, 2001 Bishops Gate Blvd., Attn: Mail Stop SV-01, Mount Laurel, New Jersey 08054, at and for the sum of $57,918.50, that being the highest and best bid offered; and,

WHEREAS, the said PHH Mortgage Corporation has assigned its interests in the said property to Federal National Mortgage Association, its 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 PHH Mortgage Corporation 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 Federal National Mortgage Association, its successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Madison, County of Davidson, State of Tennessee, to wit:

The following described property located in Davidson County, Tennessee, to wit:

Lot No. 10 of Block "B" on the Map of Overlook Estates, as of record in Book 843, page 105, Register's Office for said County.

Said Lot No. 10 fronts 50 feet on the Northerly side of Wiley Street and runs back between parallel lines 135 feet to a dead line.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20080401-0032543, 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. 20080401-0032543, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200804010032542, 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 Federal National Mortgage Association, its 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 it, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP, Substitute Trustee, has hereunto set its hand and seal this 1st day of June, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 1st day of June, 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 himself/herself to be an authorized signatory 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

JOHN T. CATRON, JR.
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

NO TAX/GOVERNMENTAL AGENCY
TCA CODE 67-4-409

PROPERTY ADDRESS: 201 Wiley Street, Madison, Tennessee 37115

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Federal National Mortgage Association
P.O. Box 650043
Dallas, TX 75265-0043

S&K File #12-031293
Map & Parcel -04305021000

PREPARED BY AND RETURN TO:
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COST OF PUBLICATION

First Insertion __
Second Insertion
Third Insertion _____
Total ___

PROOF OF PUBLICATION

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on May 28, 2012 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 W. Smith, an unmarried man, and Glenda G. Cottrell, an unmarried woman, to Larry N. Westbrook, Esq., Trustee, on March 28, 2008 at Instrument No. 20080401-0032543; conducted by Shapiro & Kirsch, LLP Substitute Trustee; all of record in the Davidson County Register's Office.

Holder: PHH Mortgage Corporation

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:

The following described property located in Davidson County, Tennessee, to wit:

Lot No. 10 of Block "B" on the Map of Overlook Estates, as of record in Book 843, Page 105, Register's Office for said County.

Said Lot No. 10 fronts 50 feet on the Northerly side of Wiley Street and runs back between parallel lines 135 feet to a deed line.

Street Address: 201 Wiley Street, Madison, Tennessee 37115

Parcel Number: 04305021000

Current Owner(s) of Property: John W. Smith, an unmarried man and Glenda G. Cottrell, an unmarried woman, as tenants in common with right of survivorship

Other interested parties: Cavalry Portfolio Services LLC as assignee of HSBC Bank Nevada, N.A.; Orchard Bank c/o Christopher W. Conner, Garner & Conner, PLLC; Equable Ascent Financial, LLC c/o David Mendelson, Mendelson Law Firm; Midland Funding c/o Mark Sexton, Hosto & Bochen, PLLC and LVNV Funding, LLC as assignee of Citibank c/o Shon Leverett, Atty.

The street address of the above-described property is believed to be 201 Wiley Street, Madison, Tennessee 37115, 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
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. 12-031293
May 4, 11, 18, 2012 PH14698

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER, the Publisher of the NASHVILLE LEDGER, a weekly newspaper of general circulation printed in the State of Tennessee and distributed throughout Davidson, Williamson, Cheatham and Dixon counties in Tennessee, states that the hereto attached publication appeared in the NASHVILLE LEDGER on the following dates:

May 4, 2012
May 11, 2012
May 18, 2012

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER

By: Marsha B Payne
Marsha B. Payne, Administrative Specialist

STATE OF TENNESSEE

On this 18th day of **May 2012**, this instrument was signed and sealed on behalf of the corporation (or association), by authority of its Board of Directors and **Marsha B. Payne** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

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