BILL GARRETT, Davidson County
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PREPARED BY AND RETURN TO:
Lori Winston
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(901)767-5566
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Tennessee FHA

Name: Jennifer M. Bonczek, and Wesley Penn
S&K#: 12-030113

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated January 26, 2007, recorded in Instrument No. 20070202-0014185; corrected by Scrivener's Affidavit in Instrument No. 20070529-0063006, in the Register's Office of Davidson County, Tennessee, Jennifer M. Bonczek and husband, Wesley Penn conveyed to Thomas A. Bourdon, 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 20120224-0016108, 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 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 EverBank, 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 April 20, 2012, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, at 10:00 AM; 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 $144,917.54, 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 Antioch, County of Davidson, State of Tennessee, to-wit:

> Being the Final Plat of Hickory Highlands Place, Lot 217, of Section 3, Phase 2, of record in Instrument Number 20060616-0071810; Instrument Number 20060830-0107347; and Instrument Number 20060517-0057888, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate legal description.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20070202-0014185; corrected by Scrivener's Affidavit in Instrument No. 20070529-0063006, 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. 20070202-0014185; corrected by Scrivener's Affidavit in Instrument No. 20070529-0063006, in the Register's Office of Davidson County, Tennessee.



The last deed of record is Warranty Deed, recorded in Instrument Number 200705290063005, 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 Secretary of Housing and Urban Development, Washington, D.C., his 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 25th day of May, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 25th day of May 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.

10-10-2012
My commission expires:

_____
Notary Public

LORI E. WINSTON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Comm. Exp. 10-10-2012

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

PROPERTY ADDRESS: 5195 Highlander Drive, Antioch, Tennessee 37013

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Secretary of Housing and Urban Development
Federal Housing Administration
Michaelson, Conner, and Boul, Inc.
4400 Will Rogers Parkway, Suite 300
Oklahoma City, OK 73108

S&K File #12-030113
Map & Parcel -163 02 0A 062.00

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COST OF PUBLICATION

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SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on **April 20, 2012** at 10:00AM local time, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by Jennifer M. Bonczek and husband, Wesley Penn, to Thomas A. Bourdon, Trustee, on January 26, 2007 as Instrument No. 20070202-0014185; corrected by Scrivener's Affidavit in Instrument No. 20070529-0083006; 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:

Being the Final Plat of Hickory Highlands Place, Lot 217, of Section 3, Phase 2, of record in Instrument Number 20060616-0071810; Instrument Number 20060830-0107347; and Instrument Number 20060517-0057888, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate legal description.

Street Address: 5195 Highlander Drive, Antioch, Tennessee 37013

Parcel Number: 163 02 0A 062.00

Current Owner(s) of Property: Jennifer M. Bonczek and husband, Wesley Penn

The street address of the above described property is believed to be 5195 Highlander Drive, Antioch, Tennessee 37013, but such address is not part of the legal description of the property sold herein and in the event of any discrepency, 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. 12-030113
Mar. 30, Apr. 6, 13, 2012 Rhl14522

PROOF OF PUBLICATION

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:

March 30, 2012
April 6, 2012
April 13, 2012

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this 13th day of **April 2012**, this instrument was signed and sealed on behalf of the corporation (or association), by authority of its Board of Directors and **Catron Kerr** 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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