BILL GARRETT, Davidson County
Trans:T20120058815 DEEDTRS
Recvd: 08/08/12 12:44 3 pgs
Fees:18.00 Taxes:116.55
20120808-0070737

Prepared & Recorded by:
RECONTRUST COMPANY, N.A.
4500 Amon Carter Blvd., TX2-979-02-10
Fort Worth, TX 76155

TS#:11-0086357

| ADDRESSES NEW OWNER(S) AS FOLLOWS | SEND TAX BILLS TO: | MAP PARCEL NUMBER |
|---|---|---|
| (NAME)<br>The Bank of New York Mellon | (NAME)<br>The Bank of New York Mellon | 081-16-0-606.00 |
| (STREET ADDRESS OR ROUTE NUMBER)<br>400 NATIONAL WAY | (STREET ADDRESS)<br>400 NATIONAL WAY | |
| (CITY) (STATE) (ZIP)<br>SIMI VALLEY CA 93063 | (CITY) (STATE) (ZIP)<br>SIMI VALLEY CA 93063 | |

# SUBSTITUTE TRUSTEE'S DEED

This instrument made and entered into on this, the July 18, 2012, by RECONTRUST COMPANY, N.A., substitute trustee ("Substitute Trustee").

WHEREAS, by that certain Deed of Trust dated October 31, 2002, recorded on November 4, 2002, as Instrument No. 20021104-0135231, Register's Office for Davidson, Tennessee (the "Deed of Trust"), OTIS P SMITH, A SINGLE PERSON (collectively "Borrower"),conveyed to ARNOLD M. WEISS ATTORNEY, certain real property as described below (the "Property") to secure the payment of a certain indebtedness described in the Deed of Trust including, without limitation, that evidenced by a certain promissory note executed on October 31, 2002, (the "Note"); and

WHEREAS, demand was made for the payment of the Note secured by the Deed of Trust referenced above, the payment of which was in default, and the obligation secured by the Deed of Trust referenced above was declared due and payable as provided in the Note and Deed of Trust, but the obligation was not paid; and

WHEREAS, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF COUNTRYWIDE ASSET-BACKED CERTIFICATES, SERIES 2002-5, the Beneficiary under the Deed of Trust, demanded that the Property be advertised and sold in accordance with the terms of the Deed of Trust; and

WHEREAS, Notice of the Right to Foreclose ("Notice") was given in compliance with Tennessee law by the mailing a copy of the Notice to the parties at least sixty (60) days prior to the first publication of the Substitute Trustee's Sale.

WHEREAS, the undersigned, RECONTRUST COMPANY, N.A., was duly appointed as Substitute Trustee in the place and stead ARNOLD M. WEISS ATTORNEY, said appointment being set forth on October 24, 2011, as Instrument No. 20111024-0082536 said Register's Office; and

WHEREAS, the Substitute Trustee caused the Notice of Substitute Trustee's Sale ("Notice of Sale") to be published as provided in the Deed of Trust and Note in the DAVIDSON AM that the Property would be sold on June 18, 2012, at time 2:00 PM at the door of the Davidson County Courthouse, Tennessee, such advertisement appearing in said newspaper on May 25, 2012, June 1, 2012 and June 8, 2012, a copy of such Notice of Sale sent to Borrower, the current owner of the Property, and all other parties who appeared to have any interest in the Property reflected in the records of the Register's Office of Davidson County, Tennessee, and following such Notice of Sale the default was not cured; and

WHEREAS, the Substitute Trustee at the time, place and date specified in said Notice of Sale appeared and announced to to those assembled that the sale was postponed to July 18, 2012 at same time and place, and notifications were made in accordance with T.C.A. 35-5-101(f), if required. On July 18, 2012 at the same time and place, the Substitute Trustee appeared and offered the Property for sale, and after opening the floor for competitive bids, sold said Property to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF COUNTRYWIDE ASSET-BACKED CERTIFICATES, SERIES 2002-5 at the price of $31,500.00, this being the highest, last and best bid.

NOW, THEREFORE, RECONTRUST COMPANY, N.A., Substitute Trustee, in consideration of the premises and the sum of $31,500.00, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF COUNTRYWIDE ASSET-BACKED CERTIFICATES,

SERIES 2002-5 ("Grantee"), its successors and assigns, all of my right, title and interest in and to the Property, including without limitation, the following described real estate and improvements located thereon, but no further or otherwise, located in Davidson County, Tennessee, and more particularly described as follows, to wit:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 25, IN THE B. W. HALL'S PLAN OF LOTS, AS OF RECORD IN BOOK 17, PAGE 261, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE COMPLETE DESCRIPTION.

Property Address: **1014 11TH AVE NORTH, NASHVILLE TN 37208**

PARCEL NUMBER: 081-16-0-606.00

Borrower's source of title is that certain **Warranty Deed**, dated **10/31/2002**, given by **John Stark, Unmarried** to **Otis P. Smith, a single person** and recorded **11/4/2002 Instrument # 20021104-0135230**, said Register's Office. To have and to hold the aforesaid real estate, together with all improvements thereon, free from any equity of redemption, statutory right of redemption, spouses elective share, homestead, dower, courtesy and all other exemptions, as provided in, but only to the extent provided in, said Deed of Trust.

Said sale will be subject to (1) any and all unpaid ad valorem taxes (plus penalty and interest, if any) that may be a lien upon the Property; (2) any and all liens, defects, encumbrances, adverse claims, and other matters which take priority over the Deed of Trust upon which this foreclosure sale is had; (3) any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal, which might not have been waived by such governmental agency; (4) applicable covenants, restrictions, building setbacks, easements, and to all conditions as shown with respect to the aforementioned Property in the Register's Office of Davidson County, Tennessee; (5) any governmental zoning and subdivision ordinances or regulations in effect thereon; (6) the accuracy of the Index Book of the said Register's Office; and (7) any other matters which an accurate survey of the Property might disclose.

The Property is conveyed AS IS WHERE IS, without representations or warranties of any kind whatsoever, whether express or implied. Without limiting the foregoing, THE PROPERTY IS SOLD WITHOUT ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE.

WITNESS the signature of the Substitute Trustee on the day and date first above written.

RECONTRUST COMPANY, N.A., as Substitute Trustee
By: Carolyn Holleman 8/3/12
Print Name: Carolyn Holleman
Title: AVP

STATE OF TEXAS )
COUNTY OF TARRANT )

On AUG 03 2012 before me J. Flores, personally appeared Carolyn Holleman, AVP, known to me (or proved to me on the oath of ____ or through ____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public's Signature

J. FLORES
Notary Public, State of Texas
My Commission Expires
October 28, 2013

STATE OF TEXAS )
COUNTY OF TARRANT )

The actual consideration or value, whichever is greater, for this transfer is $31,500.00.

Carolyn Holleman 8/3/12
Affiant Carolyn Holleman

Sworn to and subscribed before me this 3rd day of August, 2012.

Notary Public

My commission expires:
10·28·13

J. FLORES
Notary Public, State of Texas
My Commission Expires
October 28, 2013