BILL GARRETT, Davidson County
Trans:T20120061960 DEEDTRS
Recvd: 08/20/12 11:49 6 pgs
Fees:33.00 Taxes:290.38
20120820-0074481

Prepared by and Return to:
Patrick Taggart/hrylee 08/16/2012
McCurdy & Candler, L.L.C.
3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

SUBSTITUTE TRUSTEE'S DEED

GMAC Mortgage Corporation
File No. 11-06674 /John L. Smith and Lucille L. Smith

Tennessee, Davidson County

WHEREAS, by Deed of Trust dated July 15, 2003, and recorded in the Register's Office of Davidson County, Tennessee, on July 22, 2003 at Instrument No. 20030722-0102345, ("Deed of Trust"), John L. Smith and Lucille L. Smith conveyed to Michael T. Bates, Trustee, as Trustee, the hereinafter described property for the purpose of securing payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned to The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. successor to JPMorgan Chase Bank N.A., as Trustee for RASC 2003-KS8; and

WHEREAS, The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. successor to JPMorgan Chase Bank N.A., as Trustee for RASC 2003-KS8, being the holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record in Instrument No. 20110630-0050154, the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and the holder of said Deed of Trust requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, the property was advertised for sale in Tennessee Tribune in conformity with the laws of Tennessee and the terms and provisions of said Deed of Trust on 07/26/2012, 08/02/2012 and 08/09/2012. The notice requirements of T.C.A. §35-5-117 were satisfied prior to the first publication of the Notice of Substitute Trustee's Sale. The sale was held on August 16, 2012, in Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, at the time and place mentioned in said advertisement, the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale George Brandt, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $78,480.00; and

WHEREAS, the said holder of the debt has assigned its interests in the said property to George Brandt, his successors and assigns;

WHEREAS, the holder of said debt for which said property was sold has complied with the terms of sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance of the purchase price being credited on the indebtedness secured by said Deed of Trust; WHEREAS, this sale shall be subject to the right of redemption by the **TENNESSEE DEPARTMENT OF REVENUE, TAX ENFORCEMENT DIVISION,** pursuant to T.C.A. 67-1-1433(c)(1) by reason of the following tax lien(s) of record at Recorded 06/05/2010 Instrument No. 201008050061765 Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

NOW, THEREFORE, in consideration of the premises and of the payment by George Brandt as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **MCC TN, LLC** as Substitute Trustee, does hereby grant, bargain, sell and convey unto George Brandt, his successors and assigns, in fee simple forever, the following described property, to-wit:

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A"
ATTACHED HERETO AND MADE A PART HEREOF**

TO HAVE AND TO HOLD the property described above, together with the privileges, appurtenances, and hereditaments thereunto belonging or in any way appertaining unto the said George Brandt, his successors and assigns, forever, to whom the said **MCC TN, LLC** as Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through or under him, but not further nor otherwise.

IN TESTIMONY WHEREOF, **MCC TN, LLC**, has hereunto executed, on August 16, 2012.

MCC TN, LLC
Substitute Trustee

STATE OF GEORGIA
COUNTY OF FULTON

On August 16, 2012, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared, Patrick A. Taggart, with whom I am personally acquainted (or proved on the basis of satisfactory evidence), and who, upon oath acknowledged to be the Assistant Secretary of MCC TN, LLC, the within named bargainor, and that as such, being authorized to do so, executed the foregoing instrument for the purposes contained therein, by signing the name of the limited liability corporation.

WITNESS my hand and official seal the day and year above written.

Notary Public

My Commission Expires: _____

CATHERINE COLLYMORE NOTARY PUBLIC NEWTON COUNTY, GA MY COMMISSION EXPIRES MARCH 4, 2016

STATE OF GEORGIA
COUNTY OF FULTON

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $78,480.00, 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 August 16, 2012.

Notary Public

CATHERINE COLLYMORE NOTARY PUBLIC NEWTON COUNTY, GA MY COMMISSION EXPIRES MARCH 4, 2016

Mail Tax Notices to and Property Owner:
George Brandt
603 Fatherland St.
Nashville, TN 37206
615-336-9670

Map & Parcel No.: 84-4-0/15.00
Property Address: 2720 Crestdale Drive
Nashville, TN 37214

Exhibit "A"

A certain tract or parcel of land located in Davidson County, Tennessee, described as follows to-wit:

Being Lot No. 35 on the Map of McGavock Heights, Section II, as of record in Book 2330, Page 101, Registers Office for said County.

Said Lot No. 35 fronts 120 feet on the Westerly side of Crestdale Drive and runs back 223.1 feet on the North line and 230 feet on the South line to a dead line in the rear, measuring 120.2 feet thereon.

Being the same property conveyed to John L. Smith and wife, Lucille L. Smith from Jeannie Cathey by Warranty Deed dated May 6, 1975 and recorded May 8, 1975 in Book 4911, Page 49, Registers Office for Davidson County.

This conveyance is subject to restrictions of record in Book 2651, Page 390; Easement of record in Book 6994, Page 876; and all matters of record on plat in Plat Book 2330, Page 101, Registers Office for Davidson County.
Parcel ID No.: 84-4-0/15.00

LAW OFFICES
McCurdy & Candler, LLC

J. ROBIN HARRIS (1925 - 1989)
JULIUS A. McCURDY (1903 - 1993)
SCOTT CANDLER, JR. (1926 - 1994)

JOHN WALTER DRAKE
ALAN E. RAUBER
JOHN C. SAMMON
SCOTT CANDLER, III
CLARK B. CANDLER
SIDNEY A. GELERNTER*
DONALD C. SUESSMITH, JR.
J. MICHAEL DUGAN*
DEBORAH Y. CHEEK
REBECCA A. HOELTING
MARGARET C. COURTRIGHT
FRANK J. RHODES, JR
CHRISTIE B. HENNINGS
FRANK R. OLSON*
A. BRETT VERNER
PATRICK N. TAGGART *

JOHN D. ANDRLE
C. ERIC BURKETT
JESSICA A. PRICE
CHRISTINA J. PRITZ
C. ROBERT J. WILKINSON*
DANIEL K. BARBAGELATA
BIANCA K. DAVIS
TODD H. SURDEN
PATRICIA A. LEAL
ELIZABETH A. CHILDERS
MICHAEL ALBINO
EDWIN CAPITAN
JENNIFER SHEN
SCOTT CANDLER, IV
C.W. CHRISTIAN SHEA

*ALSO ADMITTED IN TENNESSEE

MAILING ADDRESS:
Six Piedmont Center, Suite 700
3525 Piedmont Road, NE
Atlanta, Georgia 30305

TELEPHONE: 404-373-1612
MAIN FACSIMILE: 404-370-7232

WWW.MCCURDYCANDLER.COM

July 20, 2012

Donera Adcox
Department of Revenue
Special Procedures
500 Deadrick Street, 4th Floor
Nashville, TN 37242

RE: Our File No.: 11-06674
Loan No.: 7436372395
Borrower Name: John L. Smith and Lucille L. Smith
Property Address: 2720 Crestdale Drive
Nashville, TN 37214

Dear Sir or Madam:

Our firm is in the process of foreclosing a Deed of Trust on the property at Davidson County, Tennessee, a copy of the legal description being attached herewith. The present owner(s) of record is/are John L. Smith and Lucille L. Smith .

Our examination of the records in Davidson County, Tennessee, reveals that there is of record a State Tax Lien. For your identification, I am attaching copies of the above-referenced tax lien.

The Deed of Trust to be foreclosed by public sale was executed by John L. Smith and Lucille L. Smith to Sebring Capital Partners, Limited Partnership on July 15, 2003 in the principal amount of $132,175.00 at 10.25000 percent interest. The amount due on the day of foreclosure is approximately $142,718.59. The per diem amount is $0.00. Estimated fees and costs of foreclosure are $1,500.00. The foreclosure will take place on August 16, 2012 . The sale will be for cash.

This notice is being submitted in duplicate and I would appreciate your indicating the date and time received on the duplicate copy and returning it to the undersigned at the following address:

3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

Yours very truly,
McCurdy & Candler, L.L.C.

Patrick A. Taggart

BY: Patrick A. Taggart

PT/hrylee
Enclosures

SUBSTITUTE TRUSTEE'S SALE

TENNESSEE, DAVIDSON COUNTY

DEFAULT having been made in the terms, conditions and payments provided in certain Deed of Trust executed by John L. Smith and Lucille L. Smith to Michael T. Bates, Trustee dated July 15, 2003 in the amount of $132,175.00, and recorded in the Register's Office of Davidson County, Tennessee in Instrument No. 20030722-0102345, ("Deed of Trust"); and, the beneficial interest of said Deed of Trust having been last transferred to The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. successor to JPMorgan Chase Bank N.A., as Trustee for RASC 2003-KS8 by assignment; and, The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. successor to JPMorgan Chase Bank N.A., as Trustee for RASC 2003-KS8, as the current owner and holder of said Deed of Trust (the "Owner and Holder"), has appointed as Substitute Trustee the undersigned, , any of whom may act, by instrument filed for record in the Register's Office of Davidson County, Tennessee with all the rights, powers and privileges of the original Trustee named in said Deed of Trust; therefore,

NOTICE is hereby given that the entire amount of said indebtedness has been declared due and payable as provided in said Deed of Trust by the Owner and Holder, and the undersigned as Substitute Trustee, or a duly appointed attorney or agents by virtue of the power and authority vested by the Appointment of Substitute Trustee, will on Thursday, August 16, 2012 commencing at 12:00 PM at 501 Broadway at the front of Sommet Center, formerly known as Gaylord Entertainment Center, Nashville, Tennessee; sell to the highest bidder for cash, immediately at the close of sale, the following property to-wit:

A certain tract or parcel of land located in Davidson County, Tennessee, described as follows to-wit:

Being Lot No. 35 on the Map of McGavock Heights, Section II, as of record in Book 2330, Page 101, Registers Office for said County.

Said Lot No. 35 fronts 120 feet on the Westerly side of Crestdale Drive and runs back 223.1 feet on the North line and 230 feet on the South line to a dead line in the rear, measuring 120.2 feet thereon.

Being the same property conveyed to John L. Smith and wife, Lucille L. Smith from Jeannie Cathey by Warranty Deed dated May 6, 1975 and recorded May 8, 1975 in Book 4911, Page 49, Registers Office for Davidson County.

This conveyance is subject to restrictions of record in Book 2651, Page 390; Easement of record in Book 6994, Page 876; and all matters of record on plat in Plat Book 2330, Page 101, Registers Office for Davidson County.
Parcel ID No.: 84-4-0/15.00
Map & Parcel No.: 84-4-0/15.00

PROPERTY ADDRESS: 2720 Crestdale Drive, Nashville, Tennessee 37214
CURRENT OWNER(S): John L. Smith and Lucille L. Smith
SUBORDINATE LIENHOLDERS: John A. Dabbs
OTHER INTERESTED PARTIES: Tennessee Department of Revenue

In addition, this sale shall be subject to the right of redemption by the **TENNESSEE DEPARTMENT OF REVENUE, TAX ENFORCEMENT DIVISION**, pursuant to T.C.A. 67-1-1433(c)(1) by reason of the following tax lien(s) of record in: Recorded 06/05/2010 Instrument No. 201008050061765 Notice of the sale has been given to the State of Tennessee in accordance with T.C.A. 67-1-1433(b)(1).

All right and equity of redemption, statutory or otherwise, homestead, and dower are expressly waived in said Deed of Trust, and the title is believed to be good, however, the undersigned will sell and convey only as Substitute Trustee.

The sale will be held subject to any unpaid taxes, assessments, rights-of-way, easements, protective covenants or restrictions, liens, and other superior matters of record which may affect said property; as well as any prior liens or encumbrances as well as priority created by a fixture filing; and/or any matter that an accurate survey of the premises might disclose.

If the U.S. Department of Treasury/IRS, the State of Tennessee Department of Revenue, or the State of Tennessee Department of Labor and Workforce Development are listed as Interested Parties in the advertisement, then the Notice of this foreclosure is being given to them and the sale will be subject to the applicable governmental entities' right to redeem the property, as required by 26 U.S.C § 7425 and T.C.A. § 67-1-1433.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Deed of Trust.

Substitute Trustee reserves the right 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.

MCC TN, LCC
3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305
McCurdy & Candler, L.L.C.
(404) 373-1612
www.mccurdycandler.com

File No. 11-06674 /CONV
Ad Run Dates: 07/26/2012, 08/02/2012 and 08/09/2012

THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.