BILL GARRETT, Davidson County
Trans:T20120062501 DEEDTRS
Recvd: 08/21/12 14:40 3 pgs
Fees:17.00 Taxes:0.00
20120821-0075135

This instrument prepared by
Allen J. Ware, Jr., Atty.
603 W. Main Avenue, Suite 1004
Knoxville, TN 37902

483-4237239

TRUSTEE'S DEED

THIS INDENTURE made and entered into on this the 27th day of January, 2012, by and between **ALLEN J. WARE, JR., SUBSTITUTE TRUSTEE, First Party**, and **SECRETARY OF HOUSING AND URBAN DEVELOPMENT, of Washington, D.C., his successors and assigns, Second Party.**

WITNESSETH

WHEREAS, by Deed of Trust dated June 30, 2009, and recorded in Instrument No. 200907130065387, in the Register's Office of Davidson County, Tennessee, Charles E. York, Jr., an unmarried man, conveyed to Southeast Title of Tennessee, Inc, Trustee(s), for Southpoint Financial Services, Inc., the hereinafter described property to secure a promissory note in the original principal sum of One Hundred Twenty Thousand Four Hundred Eight Dollars and 00/00 ($120,408.00), and

WHEREAS, Branch Banking & Trust Company, the owner and holder of the indebtedness due therein by Assignment, has appointed **Allen J. Ware, Jr. as Substitute Trustee**, which Appointment of Substitute Trustee is dated January 5, 2011, and is of record in 20110207-0010644, in the Register's Office of Davidson County, Tennessee, and

WHEREAS, default was made in the payment of said principal note and the holder thereof has directed First Party to advertise and sell said property in satisfaction of said indebtedness and the costs of foreclosure, in accordance with the terms and provisions of the said promissory note and the Deed of Trust, and

WHEREAS, The HB 3588 letter was mailed to the borrower(s) pursuant to Tennessee Code Annotated 35-5-117.

WHEREAS, First Party did advertise said property for sale in accordance with the terms of said Deed of Trust, notice of same and place of said sale being published in the "The Tennessean" in Nashville, Davidson County, Tennessee, on December 23 and 30, 2011 and January 6, 2012, and

WHEREAS, pursuant to said notice, First Party did offer said property for sale at 501 "Broadway, front steps of the Gaylord Entertainment Center in Nashville, Tennessee, on Friday, January 27, 2012, at or about Eleven O'clock A.M. CT, and Branch Banking & Trust Company, being the highest and best bidders thereof, became the purchaser of said property at and for the sum of One Hundred Thirty Eight Thousand Two Hundred Forty Six Dollars and 28/100 ($138,246.28), and thereafter assigned in writing its said bid to Second Party, and said sum of said bid having been paid, the receipt of which is hereby acknowledged.

NOW, THEREFORE, for and in consideration of the premises First Party has this day bargained and sold and does hereby transfer and convey unto Second Party, the said **Secretary of Housing and Urban Development, his successors and assigns**, the following described real estate in Davidson County, Tennessee, to wit: a certain tract or parcel of land **SITUATED** in Davidson County, Tennessee, Being Lot No. 134 Battlewood, Section Two, as shown by plat of record in Plat Book 1835, page 95 and 96, of the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate description of said lot.

THIS CONVEYANCE is subject to any and all applicable zoning ordinances, utility sewer, drainage and other easement of record, all subdivision/condominium assessments, covenants, bylaws,

restrictions, declarations and easement of record, building restrictions and other matters as recorded in the Register's Office, Davidson County, Tennessee.

BEING the same property conveyed to Charles E. York, Jr. from Rhonda H. Thompson, by Warranty Deed recorded in Instrument No. 20040729-0090846, in Register's Office, Davidson County, Tennessee.

(a/k/a 732 Wildview Drive, Nashville, TN 37211)

TO HAVE AND TO HOLD the aforesaid real estate unto said Second Party, his successors and assigns, forever, and in bar of all equities of redemption, the statutory right of redemption, homestead, dower and all other rights or exemptions of every kind.

And I, Allen J. Ware, Jr., Substitute Trustee, do further covenant and bind myself, my successors and representatives, to warrant and defend the title to said land only as to such title coming through or by me to the said Second Party, his successors and assigns, against the lawful claims of all persons whomsoever.

ALLEN J. WARE, JR., SUBSTITUTE TRUSTEE
First Party

STATE OF TENNESSEE
COUNTY OF KNOX

Personally appeared before me Kim Bofill, a Notary Public in and for said County and State, the within named Allen J. Ware, Jr., Substitute Trustee, the bargainer, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at the office in Knoxville, Tennessee, this 27 day of January 2012.

NOTARY PUBLIC

KIM BOFILL
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY

My commission expires: February 5, 2013

Responsible taxpayer:
Secretary of Housing and
Urban Development
John J. Duncan Fed. Bldg.
3rd Floor, Drawer 300
710 Locust St.
Knoxville, TN 37902
Tax ID#1191600300

I hereby swear or affirm that the actual consideration or true value of the transfer, whichever is greater, is -0- and is a government agency. Affiant.

Subscribed and sworn to before me this 27 day of January, 2012.

Notary Public:
My Commission Expires: February 5, 2013

KIM BOFILL
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY

EXHIBIT "A"

SERVICE MEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF KNOX

BEFORE ME, the undersigned authority, on this day personally appeared Allen J. Ware, Jr., who after being duly sworn, deposed and stated:

1. I am the Successor Trustee for a certain deed of trust, dated June 30, 2009, recorded in Instrument No. 200907130065387, in Register's Office of Davidson County, Tennessee, executed by Charles E. York, Jr., an unmarried man, to Southeast Title of Tennessee, Inc., Trustee(s) for Southpoint Financial Services, Inc., and assigned to Branch Banking and Trust Company.

2. Allen J. Ware, Jr., is the Substitute Trustee on said Trust Deed and his Appointment of Substitute Trustee is recorded in Instrument No. 201102070010644, Register's Office, Davidson County, Tennessee,

3. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for at least three (3) months prior to the date of the foreclosure sale the subject hereof.

4. As such, foreclosure of this property will not be subject to the provisions of 50 U.S.C.S. §501, et. Seq. (the Service Members Civil Relief Act).

FURTHER AFFIANT SAYETH NOT.

DATED this 17th day of February, 2012.

Allen J. Ware, Jr. Affiant

My Commission Expires: February 5, 2013

NOTARY