PREPARED BY AND RETURN TO:
Lori Wilson
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
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BILL GARRETT, Davidson County
Trans:T20120065944 DEEDTRS
Recvd: 09/04/12 10:54 3 pgs
Fees:17.00 Taxes:0.00
20120904-0079437

Tennessee FHA

Name: Aaron Hernandez
S&K#: 12-034123

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated May 16, 2005, recorded in Instrument No. 20050519-0056610, in the Register's Office of Davidson County, Tennessee, Aaron Hernandez, a single man conveyed to Everett L. Anschutz, Jr., 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, Wells Fargo Bank, NA appointed the undersigned as Substitute Trustee by Instrument of record in instrument number 20120501-0037101, 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, Wells Fargo Bank, NA 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 Wells Fargo Bank, NA, 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 29, 2012 at 10:00 AM, at which time it was announced the sale adjournment to be held on August 2, 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 Wells Fargo Bank, NA, whose address is Wells Fargo Bank, NA, 3476 Stateview Blvd, MAC# X7801-013 (FC), Fort Mill, South Carolina 29715, at and for the sum of $67,041.98, that being the highest and best bid offered; and,

WHEREAS, the said Wells Fargo Bank, NA 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 Wells Fargo Bank, NA 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 Hermitage, County of Davidson, State of Tennessee, to-wit:

> Land in Davidson County, Tennessee, being Lot No. 40B, on the plan of Rachels Square, as shown on plat of record in Plat Book 5200, Page 623, as amended in Book 6250, page 540, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20050519-0056610, 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. 20050519-0056610, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Numeber 200505190056609, 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.

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 15th day of August, 2012.

Shapiro & Kirsch, LLP

By: Ashley M Jones

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 15th day of August, 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, 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.

MEGAN HANNA
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

MY COMMISSION EXPIRES
JANUARY 05, 2015

My commission expires:

Notary Public

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

PROPERTY ADDRESS: 708 Rachels Trail, Hermitage, Tennessee 37076

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 #12-034123
Map & Parcel -075 07 0 265.00

PREPARED BY AND RETURN TO:
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COST OF PUBLICATION

First Insertion [redacted]
Second Insertion
Third Insertion
Total $

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on **May 29, 2012 at 10:00 AM local time**, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by Aaron Hernandez, a single man, to Everett L. Anschutz, Jr., Trustee, as trustee for Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for First Magnus Financial Corporation on May 16, 2005 at Instrument No. 20050519-0056810; conducted by Shapiro & Kirsch, LLP having been appointed Substitute or Successor Trustee, all of record in the Davidson County Register's Office. Default has occurred in the performance of the covenants, terms, and conditions of said Deed of Trust and the entire indebtedness has been declared due and payable.

Party Entitled to Enforce the Debt: Owner of Debt: Wells Fargo Bank, NA

The following real estate located in Davidson County, Tennessee, will be sold to the highest cash bidder:

Described property located at Davidson, County, Tennessee, to wit:

Land in Davidson County, Tennessee, being Lot No. 408, on the plan of Rachels Square, as shown on plat of record in Plat Book 5200, Page 623, as amended in Book 6250, page 540, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.

Street Address: 708 Rachels Trail, Hermitage, Tennessee 37076

Parcel Number: 075 07 0 265.00

Current Owner(s) of Property: Aaron Hernandez, a single man

The street address of the above described property is believed to be 708 Rachels Trail, Hermitage, Tennessee 37076, 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 HB 3588 letter mailed to the borrower(s) pursuant to Tennessee Code Annotated 35-5-117. This sale is subject to all matters shown on any applicable recorded plat any unpaid taxes; and any restrictive covenants, easements, or setback lines that may be applicable; any statutory right of redemption of any governmental agency, state or federal; any prior liens or encumbrances as well as any priority created by a fixture filing; and to any matter that an accurate survey of the premises might disclose.

This sale is subject to all matters shown on any applicable recorded plat any unpaid taxes; and any restrictive covenants, easements, or setback lines that may be applicable; any statutory right of redemption of any governmental agency, state or federal; any prior liens or encumbrances as well as any priority created by a fixture filing; and to any matter that an accurate survey of the premises might disclose. In addition, the following parties may claim an interest in the above-referenced property:

SALE IS SUBJECT TO ANY INTEREST THAT MAY EXIST IN UNRELEASED DEED OF TRUST OF RECORD AT BOOK 10749, PAGE 196, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

SALE IS SUBJECT TO ANY INTEREST THAT MAY EXIST IN UNRELEASED DEED OF TRUST OF RECORD AT BOOK 10749, PAGE 202, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

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 by the Substitute Trustee 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
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Phone (901)767-5566
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File No. 12-034123
May 4, 11, 18, 2012 Fn14796

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:

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.

FIT