BILL GARRETT, Davidson County
Trans:T20120080757 DEEDTRS
Recvd: 10/24/12 11:21 3 pgs
Fees:17.00 Taxes:0.00
20121024-0097476

PREPARED BY AND RETURN TO:
Lori Wilson
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
Fax (901)761-5690

**Tennessee FHA**

**Name: Kathleen E. Davis**
**S&K#: 12-035563**

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated December 15, 2003, recorded in Instrument No. 20031222-0181723, in the Register's Office of Davidson County, Tennessee, Kathleen E. Davis, a single woman conveyed to Southern Title Services, 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 20120615-0052643, 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 July 10, 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 $64,496.43, 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 Nashville, County of Davidson, State of Tennessee, to-wit:

A parcel of Land in the 2nd Civil District of Davidson County, Tennessee, being part of Lot No. 3 in the plan of division of the real estate of John Estes, deceased, and described according to the survey of George W. Watkins, dated July 16, 1950.

Beginning at a point in the center line of Smith Springs Road, said point being 140.0 feet southeasterly from the intersection of said center line with the southerly margin of Old Smith Springs Road; thence South 45 deg. 15' West 535.3 feet to an iron pin; thence South 87 deg. 30' East 160 feet to an iron pin; thence North 37 deg. 30' East 439.7 feet to a point in the center line of Smith Springs Road; thence with said center line northeasterly 60 feet to the point of beginning.

Included in the above description but expressly excluded from this conveyance is the following tract of land conveyed to Metropolitan Government of Nashville & Davidson County, Tennessee, of record in Book 8235, Page 828:

Beginning at a point on the existing south right-of-way of Smith Springs Road on the common line of Davis and William Dewey Arterburn, said point begin 20.5' south of center line survey station 79 + 34 and proceeding as follows:

1. Eastwardly with the existing south right of way line of Smith Springs Road a distance of 64' to a point on the common line of Davis and Randall W. Gannon, said point being 17' south of center line survey station 79 + 98; thence,
2. Southwardly with the line between Davis and Gannon a distance of 8' to a point on the new south right of way line of Smith Springs Road; thence,
3. With a line 25' south of and parallel to the center line N 50°51'00" W 48.49; thence,
4. With a 3447.23' radius curve to the left a distance of 14.51' to a point on the common line of Davis and Arterburn; thence,
5. Northwardly with the line between Davis and Arterburn a distance of 4.5' to the point of beginning and containing 400 square feet or 0.01 of an acre more or less (acreage not warranted).

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20031222-0181723, 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. 20031222-0181723, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed Book 8235, Page 828, 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 22nd day of October, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 22 day of Oct., 2012, before me, a Notary Public, in and for said State and County, personally appeared Ashlaym 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.

_____
My commission expires:

_____
Notary Public

TRACY L. SHARP
STATE OF TENNESSEE
NOTARY PUBLIC
SHELBY COUNTY
My Commission Expires 11/02/2013

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

**PROPERTY ADDRESS:** 2605 Smith Springs Road (Per Deed of Trust), 2605 Smith Springs Road, Nashville, TN 3727 (Per Assessor), Nashville, Tennessee 37232

**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 #12-035563**
**Map & Parcel -135 00 0 209.00**

**PREPARED BY AND RETURN TO:**
**Lori Wilson**
**Shapiro & Kirsch, LLP**
**555 Perkins Road Extended, Second Floor**
**Memphis, TN 38117**
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## SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on July 10, 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 Kathleen E. Davis, a single woman, to Southern Title Services, Trustee, as trustee for Mortgage Electronic Registration Systems, Inc. ("MERS") solely as nominee for NBank, NA on December 15, 2003 at Instrument No. 20031222-0181723; 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 call bidder:
A parcel of Land in the 2nd Civil District of Davidson County, Tennessee, being part of Lot No. 3 in the plan of division of the real estate of John Estes, deceased, and described according to the survey of George W. Watkins, dated July 16, 1950.
Beginning at a point in the center line of Smith Springs Road, said point being 140.0 feet southeasterly from the intersection of said center line with the southerly margin of Old Smith Springs Road; thence South 45 deg. 15' West 535.3 feet to an iron pin; thence South 87 deg. 30' East 160 feet to an iron pin; thence North 37 deg. 30' East 439.7 feet to a point in the center line of Smith Springs Road; thence with said center line northeasterly 60 feet to the point of beginning.
Included in the above description but expressly excluded from this conveyance is the following tract of land conveyed to Metropolitan Government of Nashville & Davidson County, Tennessee, of record in Book 8235, Page 828:
Beginning at a point on the existing south right-of-way of Smith Springs Road on the common line of Davis and William Dewey Arterburn, said point begin 20.5' south of center line survey station 79 + 34 and proceeding as follows:
1. Eastwardly with the existing south right of way line of Smith Springs Road a distance of 64' to a point on the common line of Davis and Randall W. Gannon, said point being 17' south of center line survey station 79 + 98; thence,
2. Southwardly with the line between Davis and Gannon a distance of 8' to a point on the new south right of way line of Smith Springs Road; thence,
3. With a line 25' south of and parallel to the center line N 50°51'00" W 48.49; thence,
4. With a 3447.23' radius curve to the left a distance of 14.51' to a point on the common line of Davis and Arterburn; thence,
5. Northwardly with the line between Davis and Arterburn a distance of 4.5' to the point of beginning and containing 400 square feet or 0.01 of an acre more or less (acreage not warranted).
Street Address: 2605 Smith Springs Road (Per Deed of Trust), Nashville, Tennessee 37232
Secondary Property Address: 2605 Smith Springs Road, Nashville, TN 37217 (Per Assessor)
Parcel Number: 135 00 0 209.00
Current Owner(s) of Property: Kathleen E. Davis, unmarried
The street address of the above described property is believed to be 2605 Smith Springs Road (Per Deed of Trust), Nashville, Tennessee 37232, 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 NB 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.
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. 12-035563

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