PREPARED BY AND RETURN TO:
Tiffany Parker
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
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BILL GARRETT, Davidson County
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20121116-0105757

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated June 29, 2007, recorded in Instrument No. 20070703-0079579, in the Register's Office of Davidson County, Tennessee, Randall H. Witwer and Cindy J. Witwer, Husband and wife conveyed to Harold D. King, 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, Household Financial Center, Inc. appointed the undersigned as Substitute Trustee by Instrument of record in Instrument #20101007-0080379, 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, Household Financial Center, Inc. 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 Household Financial Center, Inc., 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 October 25, 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 Household Financial Center, Inc., whose address is HSBC Consumer Lending Mortgage Servicing, 636 Grand Regency Blvd, Brandon, Florida 33510, at and for the sum of $82,936.74, that being the highest and best bid offered; 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 Household Financial Center, Inc. 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 Household Financial Center, Inc., its successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Goodlettsville, County of Davidson, State of Tennessee, to-wit:

Described property located in the Tenth (10th) formerly Twentieth (20th) Civil District, Davidson County, Tennessee, to wit:

BEGINNING in the center of Union Hill Road at a point North 40 degrees West 105 feet from the intersection of said road with the center of Brick Church Pike; thence with the center of Union Hill Road North 40 degrees West 70 feet and North 31 degrees West 230 feet to a corner in the line of the Union Hill Church Property; thence with a fence, North 68 degrees East 178 feet to a post, corner to said Church property; thence North 29 degrees West 211 feet to a post; thence North 58 degrees East 156 feet to a large white oak tree, corner to said Church property in the southerly line of the property conveyed to Mrs. Annie Laura Owens and husband by deed from Mrs. Vergie Bachman, of record in Book 1733, Page 223, said Register's Office; thence South 88 degrees East 535 feet to a fence post on the westerly margin of Brick Church Pike, as now established; thence with the westerly margin of said pike, South 28 degrees West 205 feet and South 15 degrees West 262 feet; thence leaving said Pike, South 73 degrees West 409 feet to the point of beginning.

Included in the above legal description but expressly excluded there from is that portion of land sold in Book 9612, Page 26, in the Register's Office of said county.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20070703-0079579, 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. 20070703-0079579, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Book 10308, Page 238, 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.

SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

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 successors 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 29th day of October, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 29 day of October, 2012, before me, a Notary Public, in and for said State and County, personally appeared Michael Dennie, 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
JANUARY 05, 2015
My commission expires:

_____
Notary Public

TAMARA SCAGGS
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $82,936.74, 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 the date written above.

MY COMMISSION EXPIRES
JANUARY 05, 2015
My commission expires:

_____
Notary Public

TAMARA SCAGGS
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

PROPERTY ADDRESS: 5116 Brick Church Pike, Goodlettsville, Tennessee 37072

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Household Financial Center, Inc.
636 Grand Regency Blvd
Brandon, Florida 33510

S&K File #09-020473 / HSF
Map & Parcel -01700012800

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COST OF PUBLICATION

First Insertion
Second Insertion
Third Insertion
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SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on **October 25, 2012 at 10:00 AM local time,** at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, conducted by Shapiro & Kirsch, LLP Substitute Trustee, pursuant to Deed of Trust executed by Randall H. Witwer and Cindy J. Witwer, Husband and wife, to Harold D. King, Trustee, on June 29, 2007 at Instrument No. 20070703-0079579; all of record in the Davidson County Register's Office.

Owner of Debt: Household Financial Center, Inc.

The following real estate located in Davidson County, Tennessee, will be sold to the highest call bidder subject to all unpaid taxes, prior liens and encumbrances of record:

Described property located in Davidson County, Tennessee, and being more particularly described in deed of record in Instrument No. 20070703-0079579; in the Register's Office of Davidson County, Tennessee

Parcel Number: 01700012800

Current Owner(s) of Property: Randall H. Witwer and wife, Cindy J. Witwer

Other interested parties: Metro Ready Mix Concrete, LLC, c/o David O. Huff, Attorney, GE Money Bank and Stormy Walker and Jean Walker, c/o Stephen Lund, Attorney

The street address of the above described property is believed to be 5116 Brick Church Pike, Goodlettsville, Tennessee 37072, 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 referenced herein shall control.

SALE IS SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

If applicable, the notice requirements of T.C.A. 35-5-117 have been met.

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.

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 at any time.

Shapiro & Kirsch, LLP Substitute Trustee
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File No. 09-020473
Sept. 28, Oct. 5, 12, 2012 Pnl16044

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, Dixon, Wilson, Robertson, Rutherford, Sumner and Montgomery counties in Tennessee, states that the hereto attached publication appeared in the NASHVILLE LEDGER on the following dates:

September 28, 2012
October 5, 2012
October 12, 2012

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this 12th day of **October 2012,** this instrument was signed and sealed on behalf of the corporation (or association), by authority of its Board of Directors and **Catron Kerr** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

FIT