Prepared by and Return to:
Patrick Taggart/ccollymore 11/15/2012
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. 08-08262 /Derrick Trent Fortner and Krista J. Fortner

Tennessee, Davidson County

WHEREAS, by Deed of Trust dated December 20, 1996, and recorded in the Register's Office of Davidson County, Tennessee, on December 27, 1996 at Instrument No. 0259416, Deed Book 10302, Page 633-642, ("Deed of Trust"), Derrick Trent Fortner and Krista J. Fortner conveyed to Carol A. Conatser, 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 GMAC Mortgage, LLC f/k/a GMAC Mortgage Corporation; and

WHEREAS, GMAC Mortgage, LLC f/k/a GMAC Mortgage Corporation, being the holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record in Instrument No. 20120716-0062200, 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 8/16/2012, 8/23/2012, and 8/30/2012. The original sale date was postponed in accordance with TCA 35-5-101(f), and all announcements and notifications were made as required therein. 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 November 15, 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 GMAC Mortgage, LLC, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $243,648.45; and

WHEREAS, the said holder of the debt has assigned its interests in the said property to Federal Home Loan Mortgage Corporation, its 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 **INTERNAL REVENUE SERVICE, DEPARTMENT OF U.S. TREASURY**, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record at Instrument No. 200507260086719 and Instrument No. 200910260098430 Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

NOW, THEREFORE, in consideration of the premises and of the payment by GMAC Mortgage, LLC 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 Federal Home Loan Mortgage Corporation, its 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

BILL GARRETT, Davidson County
Trans:T20120088159 DEEDTRS
Recvd: 11/19/12 10:44 5 pgs
Fees:28.00 Taxes:901.50
20121119-0106359

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 Federal Home Loan Mortgage Corporation, its 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 November 15, 2012.

MCC TN, LLC
Substitute Trustee

STATE OF GEORGIA
COUNTY OF FULTON

On November 15, 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 Notarial seal, the day and year above written.

Notary Public

My Commission Expires: _____
GOVERNMENT ENTITY, GA NO TAX REQUIRED

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 $243,648.45, 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 November 15, 2012.

Notary Public

Mail Tax Notices to and Property Owner:
Federal Home Loan Mortgage Corporation
8250 Jones Branch Drive
McLane, VA 22102

Map & Parcel No.: 064030B10600C0
Property Address: 1304 Hale Place
Old Hickory, TN 37138

Exhibit "A"

Being Lot No. 49, Phase Seven, Section Two, Brandywine Pointe, of record in Book 7900, Page 948, Registers Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.
Being the same property conveyed to Derrick Fortner and Krista J. Fortner by a Warranty Deed recorded in Book 10302 Page 630 in the Registers office of Davidson County, Tennessee

Parcel ID No.: 064030B10600C0

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 E. 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

August 10, 2012

Internal Revenue Service
Attn: Technical Support- P. Jackson
801 Broadway MDP 53
Nashville, TN 37203

RE:	Our File No.:	08-08262
	Loan No.:	0306522894
	Borrower Name:	Derrick Trent Fortner and Krista J. Fortner
	Taxpayer:	**Same as above**
	SSN:	**REDACTED**
	Property Address:	1304 Hale Place Old Hickory, TN 37138

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 Derrick Trent Fortner and Krista J. Fortner .

Our examination of the records in Davidson County, Tennessee, reveals that there is of record a Federal Tax Lien. For your identification, I am attaching copies of the Department of Treasury-Internal Revenue Service Form 668 on the above-referenced tax lien, in compliance with paragraph 7425(c) of the Internal Revenue Code, i.e., a Notice of Non-judicial Sale.

The Deed of Trust to be foreclosed by public sale was executed by Derrick Trent Fortner and Krista J. Fortner to Source One Mortgage Services Corporation on December 20, 1996 in the principal amount of $207,000.00 at 7.87500 percent interest. The amount due on the day of foreclosure is approximately $243,100.26. The per diem amount is $0.00. Estimated fees and costs of foreclosure are $1,500.00. The foreclosure will take place on September 13, 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/ccollymore
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 Derrick Trent Fortner and Krista J. Fortner to Carol A. Conatser, Trustee dated December 20, 1996 in the amount of $207,000.00, and recorded in the Register's Office of Davidson County, Tennessee in Instrument No. 0259416, Deed Book 10302, Page 633-642, ("Deed of Trust"); and, the beneficial interest of said Deed of Trust having been last transferred to GMAC Mortgage, LLC f/k/a GMAC Mortgage Corporation by assignment; and, GMAC Mortgage, LLC f/k/a GMAC Mortgage Corporation, 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, September 13, 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:

Being Lot No. 49, Phase Seven, Section Two, Brandywine Pointe, of record in Book 7900, Page 948, Registers Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.
Parcel ID No.: 064030B10600C0
Map & Parcel No.: 064030B10600C0

PROPERTY ADDRESS: 1304 Hale Place, Old Hickory, Tennessee 37138
CURRENT OWNER(S): Derrick Trent Fortner and Krista J. Fortner
SUBORDINATE LIENHOLDERS: Union Planters Bank, NA,Stanley D. Hicks,Larry W. Powell,Kenneth and Jeanette Kouba,The Union Central Life Ins. Co.,Capital One Bank,Timothy Norris,Nationwide Life and Annuity Company of America
OTHER INTERESTED PARTIES: Brandywine Pointe Community Association Inc., Mark & Suzanne Baird, Robert & Jean ann Crowder, Union Planters, Alfred & Donna Sansom, Internal Revenue Service
This sale is also subject to the right of redemption by the **INTERNAL REVENUE SERVICE, DEPARTMENT OF U.S. TREASURY**, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record in:Instrument No. 200507260086719 and Instrument No. 200910260098430 Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

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. 08-08262 /FHLMC
Ad Run Dates: 8/16/2012, 8/23/2012, and 8/30/2012

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.