BILL GARRETT, Davidson County
Trans:T20120096069 DEEDTRS
Recvd: 12/17/12 08:46 3 pgs
Fees:17.00 Taxes:0.00
20121217-0115705

PREPARED BY AND RETURN TO:
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(901)767-5566
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Tennessee FHA

Name: Phillip V. Birmingham
S&K#: 05-1699

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated December 21, 2001, recorded in Instrument No. 20020111-0005037, in the Register's Office of Davidson County, Tennessee, Phillip V. Birmingham, an unmarried Man conveyed to Bobby R. Davis, 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 201202270016737, 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 June 7, 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 $130,367.34, 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 Old Hickory, County of Davidson, State of Tennessee, to-wit:

> Land in Davidson County, Tennessee, being Lot No. 245 on the Resubdivision of Lots 245 and 246, The Village of Old Hickory, Section B, of record in Plat Book 11190, Page 108, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description of said lot.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20020111-0005037, 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. 20020111-0005037, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed in Instrument Number 200201110005036, 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.

This conveyance is subject to the right of the United States of America to redeem the land as provided for in 26 U.S.C. 7425 (d) (1). Attached hereto is a copy of said notice and letter of compliance.

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 11 day of December, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 11 day of Dec., 2012, before me, a Notary Public, in and for said State and County, personally appeared _____, with whom I am personally acquainted, and who, upon oath 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. SI... STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY My Commission Expires 11/02/2013

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

PROPERTY ADDRESS: 1204 Cleve Street (Per Deed of Trust), 1204 Cleves Street (Per Assessor), Old Hickory, Tennessee 37138

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 #05-1699
Map & Parcel -044-15-0-328.00

PREPARED BY AND RETURN TO:
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01015435#35

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on June 7, 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 Phillip V. Birmingham, an unmarried man, to Bobby R. Davis, Trustee, as trustee for Franklin American Mortgage Company on December 11, 2001 at Instrument No. 20020111-0008377; 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:

Land in Davidson County, Tennessee, being Lot No. 245 on the Resubdivision of Lots 245 and 246, The Village of Old Hickory, Section B, of record in Plat Book 11190, Page 188, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description of said lot.

Street Address: 1204 Cleve Street (Per Deed of Trust), 1204 Cloves Street (Per Assessor), Old Hickory, Tennessee 37138

Parcel number: 044-150-328.00

Current Owner(s) of Property: Phillip V. Birmingham, an unmarried person

Other interested parties: Karco Auto Service

The street address of the above described property is believed to be 1204 Cleve Street (Per Deed of Trust), 1204 Cloves Street (Per Assessor), Old Hickory, Tennessee 37138, 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.

Pursuant to, the HB 1383 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 set-back 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 set-back 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: Karco Auto Service

Notice required by 18 U.S.C. § 7428(b) to be given to the United States has been timely given. The sale of the land described above will be subject to the right of the United States to redeem the land as provided for in 26 U.S.C. § 7425(d)(1). Notice of this Substitute Trustee's Sale has been timely given to the United States as required by 26 U.S.C. § 7425(b).

Terms of Sale will be public auction, for cash, free and clear of rights of homestead, redemption and dower, and the rights of Phillip V. Birmingham, an unmarried man, and those claiming through them, and subject to the right of redemption by the DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE by reason of tax lien of record in instrument Number 20120210-0012129 at the Register's Office of Davidson County, Tennessee, subject to any accrued taxes and restrictions.

All right of equity of redemption, statutory and otherwise, and homestead are expressly waived in said Deed of Trust, and the sale 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

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File No. 05-1699

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