PREPARED BY AND RETURN TO:
India Samuels
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
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BILL GARRETT, Davidson County
Trans:T20120097848 DEEDTRS
Recvd: 12/21/12 13:22 3 pgs
Fees:17.00 Taxes:0.00
20121221-0117927

**Tennessee FHA**

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated October 13, 2006, recorded in Instrument No. 20061017-0128583, in the Register's Office of Davidson County, Tennessee, Jared Wayne Dowdy, Jessica L. Dowdy, husband and wife, Jerry L. Cleveland and Dorothy L. Cleveland, husband and wife conveyed to Charles E. Tonkin, II, 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, the undersigned was appointed as Substitute Trustee by Instrument of record in Instrument Number 20121008-0091929, 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, the holder requested said Substitute Trustee to, upon proper advertisement and notice, 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, the said property was by the Substitute Trustee, 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 November 27, 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 CitiMortgage Inc., whose address is CitiMortgage, Inc., 1000 Technology Drive, O'Fallon, Missouri 63368-2240, at and for the sum of $103,977.29, that being the highest and best bid offered; and,

WHEREAS, the said CitiMortgage Inc. 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 CitiMortgage 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 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:

> A certain tract or parcel of land situated in Davidson County, Tennessee, being known and designated at Lot R on the unrecorded plan showing the subdivision of Lots 46, 59, 49 and 64 to 66, on the unrecorded plan of Scenic View Subdivision, not of record, and described according to survey dated July 29, 1974 by John B. Kohl, III, registered land surveyor as follows:
>
> Beginning at a point in the northeast margin of Scenic View Road, (formerly Havron Avenue), 1690.2 feet northwest from a concrete monument set in said margin of said road at the beginning of a curve into Hillbrook Drive; thence, with the margin of Scenic View Road (formerly Havron Avenue), North 46 deg. 29 mm. West, 69.1 feet to a point; thence, North 43 deg. 31 mm. East, 170 feet to a point; thence, South 46 degrees 29 mm. East, 69.1 feet to a point; thence, South 43 deg. 31 min. West, 170 feet to the point of beginning.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20061017-0128583, 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. 20061017-0128583, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 20061017-0128582, 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 10th day of December, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 10th day of December, 2012, before me, a Notary Public, in and for said State and County, personally appeared Michael A. Ellenzweig, 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.

11-14-2015
My commission expires:

_____
Notary Public

DOROTHY A. WILLIAMS
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY, TENN.
My Comm. Expires November 14, 2015

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

**PROPERTY ADDRESS:** 147 Scenic View Road, 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 #12-039181 / CMI**
**Map & Parcel -043 04 0 050.00**

**PREPARED BY AND RETURN TO:**
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COST OF PUBLICATION

First Insertion
Second Insertion
Third Insertion
Total

**SUBSTITUTE TRUSTEE'S SALE**

Sale at public auction will be on **November 27, 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 Jared Wayne Dowdy, Jessica L. Dowdy, husband and wife, Jerry L. Cleveland and Dorothy L. Cleveland, husband and wife, to Charles E. Tonkin, II, Trustee, on October 13, 2006 at Instrument No. 20061017-0128583; all of record in the Davidson County Register's Office.

Owner of Debt: CitiMortgage 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:

A certain tract or parcel of land situated in Davidson County, Tennessee, being known and designated at Lot R on the unrecorded plan showing the subdivision of Lots 46, 59, 49 and 64 to 66, on the unrecorded plan of Scenic View Subdivision, not of record, and described according to survey dated July 29, 1974 by John B. Kohl, III, registered land surveyor as follows:

Beginning at a point in the northeast margin of Scenic View Road, (formerly Havron Avenue), 1690.2 feet northwest from a concrete monument set in said margin of said road at the beginning of a curve into Hillbrook Drive; thence, with the margin of Scenic View Road (formerly Havron Avenue), North 46 deg. 29 mm. West, 69.1 feet to a point; thence, North 43 deg. 31 mm. East, 170 feet to a point; thence, South 46 degrees 29 mm. East, 69.1 feet to a point; thence, South 43 deg. 31 min. West, 170 feet to the point of beginning.

Street Address: 147 Scenic View Road, Old Hickory, Tennessee 37138

Parcel Number: 043 04 0 050.00

Current Owner(s) of Property: Jared Wayne Dowdy, and wife, Jessica L. Dowdy and Jerry L. Cleveland, and wife, Dorothy L. Cleveland

The street address of the above described property is believed to be 147 Scenic View Road, 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 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
www.kirschattorneys.com
Law Office of Shapiro & Kirsch, LLP
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Phone (901)767-5566
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File No. 12-039181
Oct. 19, 26, Nov. 2, 2012 Fh16233

## 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:

**October 19, 2012**
**October 26, 2012**
**November 2, 2012**

**THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER**

By: _____
**Catron J. Kerr, Administrative Assistant**

STATE OF TENNESSEE

On this 2nd day of **November 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.

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**FIT**