BILL GARRETT, Davidson County
Trans:T20120099947 DEEDTRS
Recvd: 12/31/12 11:49 8 pgs
Fees:43.00 Taxes:3789.23
20121231-0120646

This Instrument Prepared By and Return to:
Laura F. Ketcham, Esq.
Husch Blackwell LLP
736 Georgia Avenue, Suite 300
Chattanooga, Tennessee 37402

SUBSTITUTE TRUSTEE'S DEED

THIS INDENTURE is made and entered into as of this 28th day of December, 2012, by and between **LAURA F. KETCHAM, Substitute Trustee** ("Grantor"), and **SUNTRUST BANK**, a Georgia banking corporation ("Grantee");

WITNESSETH:

WHEREAS, on February 8, 2006, Max Edward Mendelsohn executed a Commercial Deed of Trust, recorded on February 21, 2006 as Instrument No. 20060221-0019722 in the Register's Office for Davidson County, Tennessee (the "Deed of Trust"), to Steve Lancaster, Trustee, for the benefit of SunTrust Bank, a Georgia banking corporation ("Lender"), which secures Commercial Notes dated February 8, 2006 (collectively, the "Note") payable to the order of Lender; and

WHEREAS, Lender, owner and holder of the Note and Deed of Trust, pursuant to the authority contained in said Deed of Trust, appointed Laura F. Ketcham as Substitute Trustee under said Deed of Trust, said appointment being recorded on November 27, 2012 as Instrument No. 20121127-0108602, in said Register's Office; and

WHEREAS, default having occurred in the performance of obligations secured to be performed by the Deed of Trust, and Lender having requested the undersigned to advertise and sell the property conveyed by said Deed of Trust and still subject to the lien thereof, and in accordance with the terms and provisions of the Deed of Trust; and

WHEREAS, in accordance with said request, said property was advertised for sale ("Notice of Sale") in *The Tennesseean*, a newspaper published in Davidson County, Tennessee once a week for three (3) consecutive weeks, such notices appearing on December 7, 2012, December 14, 2012 and December 21, 2012, giving the time, date, terms, place of sale and description of said property. A copy of the Notice of Sale with the Affidavit of Publication is attached hereto as Exhibit A; and

WHEREAS, at the time, being 10:00 a.m., on Friday, December 28, 2012, and at the place, being at the Register of Deeds Office northwest entrance door, 6th & Broadway, Nashville, Tennessee 37203, said property was offered for sale at public auction to the highest bidder at the time and under the terms designated in the Notice of Sale and in accordance with all of the terms and requirements of said Deed of Trust, and the aforesaid Notice of Sale, at which sale said property was struck off and sold to Grantee for the sum of One Million Twenty-Four Thousand One Hundred Sixteen and 29/100 Dollars ($1,024,116.29), that being the highest bid, and pursuant thereto this conveyance is now made of said property to Grantee; and

WHEREAS, Grantee, being the owner and holder of said Note for which said property was sold, has complied with the terms of the sale by paying into the hands of the undersigned the expenses of the sale, the balance of said purchase price being credited on the indebtedness secured by the Deed of Trust.

NOW, THEREFORE, for consideration as set forth and the payment by Grantee, of the amount of money paid, receipt of which is hereby acknowledged, the undersigned Grantor, as Substitute Trustee, does hereby grant, bargain, sell and convey to the said Grantee, its successors and assigns, in fee simple forever, the above mentioned and below described real property:

TRACT I:

Land in Davidson County, Tennessee being part of Lot No. 3, on the Map of E. A. Lindsley's (Warranty Deed erroneously says Lindsey) Subdivision on Dickerson Road as of record in Book 547, Page 144, Register's Office for Davidson County, Tennessee, described according to a survey from Barry Greer and Associates, dated December 5, 1986, and more particularly described as follows:

Beginning at an iron pin in the northerly margin of Ben Allen Road, a 50 foot road, said point being the southeast corner of property owned by Lyman T. Davis, Jr., by Deed of record in Book 5742, Page 551, Register's Office for Davidson County, Tennessee; thence leaving said road and running with the boundary of the Davis property north 17 degrees 27 minutes 42 seconds east 150 feet to an iron pin set in the corner of the Davis property; thence north 84 degrees 26 minutes 32 seconds west 118.73 feet to an iron pin in the easterly margin of Dickerson Pike an 80 foot road; thence with the easterly margin of Dickerson Pike north 17 degrees 27 minutes 42 seconds east 170 feet to an iron pin located in the southwest corner of Elena R. Goad property of record in Book 6963, Page 325, Register's Office for Davidson County, Tennessee; thence leaving the margin of said road and with the south margin of the Goad property south 78 degrees 44 minutes 58 seconds east 377 feet to an iron pin; thence with the westerly boundary of the Louise Hamblen property of record in Book 3072, Page 443, Register's Office for Davidson County, Tennessee, south 17 degrees 27 minutes 42 seconds west 60 feet to an iron pin; thence south 78 degrees 44 minutes 58 seconds east 25 feet to an iron pin; thence south 17 degrees 27 minutes 42 seconds west 190 feet to an iron pin set in the northerly margin of Ben Allen Road; thence, with the northerly margin of Ben Allen Road south 87 degrees 54 minutes 44 seconds west 132.57 feet to a point; thence with the northerly margin of Ben Allen Road with a curve to the right having a radius of 1,235.16 feet and a chord bearing of north 88 degrees 15 minutes 54 seconds west a distance of 164.82 feet to the point of beginning, containing 97,708 square feet, more or less.

TRACT II: An easement described as follows:

A tract of land located in Metropolitan Nashville, Davidson County, Tennessee, being part of Lot No. 3 as shown on the Map of E. A. Lindsley's (previously erroneously referred to as Lindsey's) Subdivision, as of record in Book 547, Page 144, Register's Office for Davidson County, Tennessee, and more particularly described as follows:

Beginning at a point in the north line of said Lot No. 3, said north line of Lot No. 3 also being the north line of the property conveyed to James William Blevins, etux, by Deed of record in Book 4655, Page 592, Register's Office for Davidson County, Tennessee, and also being the south boundary of the property conveyed to Elena R. Goad, et al, by Deed of record in Book 6963, Page 325, Register's Office for Davidson County, Tennessee, and also said point being located South 78 degrees, 44 minutes, 58 seconds east, a distance of 176.22 feet, as measured along said common boundary, from an iron pin set at the intersection of said common boundary with the easterly R.O.W. of Dickerson Pike, and preceding as follows:

Leaving said common boundary and severing the land of said Goad, and along the outside face of a building wall, South 79 degrees, 00 minutes, 33 seconds east, a distance of 38.67 feet to the corner of a building; thence continuing with said building wall, South 10 degrees, 59 minutes, 27 seconds west, a distance of 0.18 feet to a point in said common line of Goad and Blevins; thence along said common line, North 78 degrees, 44 minutes, 58 seconds west, a distance of 38.67 feet to the beginning and containing 3 square feet more or less.

Being the same property conveyed to Max Edward Mendelsohn by Warranty Deed from James William Blevins and Melba R. Blevins, dated June 30, 1987, of record in Book 7283, Page 110, Register's Office for Davidson County, Tennessee.

Property address: **3003 Dickerson Pike, Nashville, Tennessee**
Map/Parcel No.: **06008002500**

TOGETHER WITH (i) all buildings and improvements now or hereafter erected on the above-described property, (ii) all fixtures attached to the above-described property or any buildings or improvements situated thereon, and (iii) all estates, rights, tenements, hereditaments, privileges, rents, issues, profits, easements and appurtenances of any kind benefiting the above-described property, all means of access to and from the above-described property, whether public or private, and all water and mineral rights.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns, in fee simple forever.

THE SALE IS SUBJECT TO any and all unpaid Davidson County real estate taxes and assessments; 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.

THE UNDERSIGNED GRANTOR believes the title hereby conveyed to be good, but only warrants the same against the lawful claims of all persons claiming by, through and under a conveyance from the undersigned, as Substitute Trustee, under the provisions of the Deed of Trust, but not further or otherwise.

IN WITNESS WHEREOF, Grantor has hereunto set her hand as of the day and date first above written.

Laura F. Ketcham

LAURA F. KETCHAM
Substitute Trustee

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Personally appeared before me, Serena L. Hill, a Notary Public in and for said State and County, Laura F. Ketcham, the within named Substitute Trustee, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that she as such Substitute Trustee, executed the within instrument for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 28th day of December, 2012.

Serena L Hill
NOTARY PUBLIC

My commission expires: 1-27-15

SERENA L. HILL
STATE OF TENNESSEE NOTARY PUBLIC
HAMILTON COUNTY

Property Owner and Send Tax Bills to:

SunTrust Bank
303 Peachtree Street NE, 10th Floor
GA-ATL-1986
Atlanta, GA 30308

MAP & PARCEL NUMBER:

06008002500

CHD-609039-1

AFFIDAVIT OF CONSIDERATION

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 $1,024,116.29, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

SUNTRUST BANK

By: _____
Cary L. Mudge
First Vice President

Subscribed and sworn to before me this 28 day of January, 2012.

_____
NOTARY PUBLIC

My Commission Expires:
2/26/2013



0101611693

Affidavit of Publications

EXHIBIT
tabbies
A

Newspaper: THE TENNESSEAN / DAVIDSON

State Of Tennessee

TEAR SHEET ATTACHED

Account Number: 509015

Advertiser: HUSCH BLACKWELL LLP

RE: Max Edward Mendelsohn

I, V Perry **Sales Assistant** for the above mentioned newspaper, hereby certify that the attached advertisement appeared in said newspaper on the following dates:

12/7/2012 12/14/2012 12/21/2012 V Perry

Subscribed and sworn to me this 21 day of December, 2012

Lela Bates

NOTARY PUBLIC

LELA BATES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 5/5/15

0101611693

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, Max Edward Mendelsohn conveyed to Steve Lancaster, as Trustee, real property in Davidson County, Tennessee by a Commercial Deed of Trust dated February 8, 2006, recorded on February 21, 2006 as Instrument No. 20060221-0019722, Register's Office of Davidson County, Tennessee (the "Deed of Trust"), to secure payment and performance of the debt described in the Deed of Trust; and

WHEREAS, SunTrust Bank (the "Bank") is the owner and holder of the debt secured by and the beneficiary of the Deed of Trust; and

WHEREAS, the Bank, as such owner, holder and beneficiary, appointed Laura F. Ketcham of Husch Blackwell LLP as Substitute Trustee by Appointment of Substitute Trustee filed of record on November 27, 2012 as Instrument No. 20121127-0108602, in said Register's Office; and

WHEREAS, default has been made in the payment of the debt secured by the Deed of Trust and the Bank has declared the entire balance due and payable and has instructed the Substitute Trustee to foreclose the Deed of Trust in accordance with its terms.

NOW THEREFORE, the Substitute Trustee, on Friday, December 28, 2012, commencing at 10:00 a.m. at the Register of Deeds Office, northwest entrance door, 6th & Broadway, Nashville, Tennessee 37203, will offer for sale and sell at public auction to the highest and best bidder for cash the property therein conveyed and described as follows:

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north 88 degrees 15 minutes 54 seconds west a distance of 164.82 feet to the point of beginning, containing 97,708 square feet, more or less.

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State tax lien claimants upon the subject property which would require notice pursuant to the terms and provisions of T.C.A. § 35-5-104, T.C.A. § 50-7-404(i)(2)(B) or T.C.A. § 67-1-1433 or 26 U.S.C. § 7425.

THE PROPERTY IS TO BE SOLD WITHOUT COVENANTS OR WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE.

Substitute Trustee, at her sole discretion, at the time and place appointed above for the sale, to accomplish the most advantageous sale and consequent discharge of her trust obligation under the circumstances, reserves the right to do any or all of the following:

(1) Postpone the sale of all or any portion of the property by public announcement at such time and place of sale, and from time to time thereafter postpone such sale by public announcement at the time fixed by the preceding postponement or subsequently noticed sale, and, without further notice, make such sale at the time and place fixed by the last postponement, or in her discretion, give a new notice of sale.

(2) Appoint an agent to sell the property in accordance with the power of sale contained in the Deed of Trust and to take other action which the Substitute Trustee may take thereunder.

(3) Elect to delay the sale for a reasonable time during regular business hours on the same day to be continued at the same place at the announced time in order to enable any bonafide bidder to determine and submit a bid, so long as no potential purchaser is thereby precluded from placing a bid.

(4) Elect to sell the property in any other manner as may accomplish the most advantageous sale and consequent discharge of her trust obligation under the circumstances.

The failure of the high bidder to close this sale shall be cause for rejection of the bid, and if the bid is rejected, the Substitute Trustee shall have the option of making the sale to the next highest

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Register's Office for Davidson County, Tennessee.
Property address: 3003 Dickerson Pike, Nashville, Tennessee
Map/Parcel No.: 06008002500
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The sale shall be in bar of the equity or redemption and all rights of redemption contained in Tennessee Code Annotated Section 66-8-101 et seq., homestead, dower, elective share, rights of appraisement or valuation, and all other rights and exemptions of every kind, all of which are expressly waived in the Deed of Trust, but excluding any statutory right of redemption of a governmental agency, state or federal, that survives this sale as a matter of law. Title is believed to be good, but the undersigned will sell and convey only as Substitute Trustee.
The Deed of Trust is subject to the following: (a) unpaid taxes or assessments against the property; (b) recorded easements, restrictions, conditions, covenants, setback lines, rights-of-way or subdivision plats affecting the property; (c) dedication of roads affecting the property and applicable governmental zoning and subdivision ordinances and regulations; (d) prior or superior liens, judgments, deeds of trust or other interests of record; (e) matters that an accurate survey of the property might disclose; and (f) any tenants which may be in possession of the property, to the extent they have any rights to remain in possession of the property that survive foreclosure.
To the best of the Substitute Trustee's knowledge, information and belief, there are no Federal or

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bidder who is capable and willing to comply with the terms thereof. The proceeds of the sale will be applied as provided in the Deed of Trust.
CURRENT PROPERTY OWNER:
Max Edward Mendelsohn
OTHER LIEN HOLDERS OR HOLDERS OF INTEREST:
Bank of America, N.A., as successor to NationsBank of Tennessee, N.A.
Dated: December 3, 2012
Laura F. Ketcham, Substitute Trustee
Husch Blackwell LLP
736 Georgia Avenue, Suite 300
Chattanooga, TN 37402
Notice Published In: Davidson AM, Nashville, Tennessee
Publication Dates: December 7, 2012, December 14, 2012 and December 21, 2012