BILL GARRETT, Davidson County
Trans:T20130012638 DEEDTRS
Recvd: 02/14/13 10:43 3 pgs
Fees:18.00 Taxes:1480.00
20130214-0015075

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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SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated October 4, 2002, recorded in Instrument No. 20021025-0130773, in the Register's Office of Davidson County, Tennessee, Christopher J. Tobe and D. Kay Tobe, husband and wife conveyed to Archer Land Title, 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 20121113-0104257, 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 pursuant to T.C.A. §35-5-117(a), Notice of the Right to Foreclose was not required.

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, 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 January 22, 2013, 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 U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2004-7, 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 $400,000.00, 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 U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2004-7 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 U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2004-7, its successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Hermitage, County of Davidson, State of Tennessee, to-wit:

> Described property located in the 4th Civil District of Davidson County, Tennessee, and being described according to a survey by J. Bruce Rainey, Surveyor #823 dated July 15, 1981 and revised October 10, 1983 and known as Job No. 83-340 as follows:
>
> Beginning at an iron pin on the southerly margin of Hobson Pike, said point of beginning being the northeast corner of this tract and also being 639.68 feet West of the intersection of the southerly margin of Hobson Pike and the original easterly line of the Belinda City, Inc. property of which this is a part; thence leaving the margin of said Pike South 06 degrees 00 minutes 00 seconds West 1630.72 feet to an iron pin in the line of the U.S. Government land; thence with the Government line and a fence the following 2 calls; North 86 degrees 51 minutes 24 seconds West 173.85 feet to a Government monument; thence North 49 degrees 34 minutes 04 seconds West 248.53 feet to an iron pin; thence leaving the Government line and fence North 07 degrees 02 minutes 59 seconds East 1438.20 feet to an iron pin on the Southerly margin of the aforesaid Hobson Pike; thence with the Southerly margin of said Pike North 86 degrees 11 minutes 30 seconds East 357.50 feet to a point of beginning.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20021025-0130773, 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. 20021025-0130773, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Book 7768, Page 499, 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. The Substitute Trustee does not warrant or guarantee any amounts of acreage that may be referenced in the legal description.

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 U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2004-7, its 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 5th day of February, 2013.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 5 day of February, 2013, before me, a Notary Public, in and for said State and County, personally appeared Michael A. 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 $400,000.00, 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: 3434 Hobson Pike, Hermitage, Tennessee 37076

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2004-7
3476 Stateview Blvd
MAC# X7801-013 (FC)
Fort Mill, South Carolina 29715

S&K File #12-042492 / WNI
Map & Parcel -12400007500

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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 **January 22, 2013 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 Christopher J. Tobe and D. Kay Tobe, husband and wife, to Archer Land Title, Trustee, as trustee for IndyMac Bank, F.S.B., a federally chartered savings bank on October 4, 2002 at Instrument No. 20021025-0130773; 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: U.S. Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2004-7.

The following real estate located in Davidson County, Tennessee, will be sold to the highest cash bidder:

Described property located in the 4th Civil District of Davidson County, Tennessee, and being described according to a survey by J. Bruce Rainey, Surveyor #823 dated July 15, 1981 and revised October 10, 1983 and known as Job No. 83-340 as follows:

Beginning at an iron pin on the southerly margin of Hobson Pike, said point of beginning being the northeast corner of this tract and also being 639.68 feet West of the intersection of the southerly margin of Hobson Pike and the original easterly line of the Belinda City, Inc. property of which this is a part; thence leaving the margin of said Pike South 06 degrees 00 minutes 00 seconds West 1630.72 feet to an iron pin in the line of the U.S. Government land; thence with the Government line and a fence the following 2 calls; North 86 degrees 51 minutes 24 seconds West 173.85 feet to a Government monument; thence North 49 degrees 34 minutes 04 seconds West 248.53 feet to an iron pin; thence leaving the Government line and fence North 07 degrees 02 minutes 59 seconds East 1438.20 feet to an iron pin on the Southerly margin of the aforesaid Hobson Pike; thence with the Southerly margin of said Pike North 88 degrees 11 minutes 30 seconds East 357.50 feet to a point of beginning.

Street Address: 3434 Hobson Pike, Hermitage, Tennessee 37076

Parcel Number: 12400007500

Current Owner(s) of Property: Christopher J. Tobe and wife, D. Kay Tobe.

Other interested parties: Bank of the South and Pinnacle National Bank

The street address of the above described property is believed to be 3434 Hobson Pike, Hermitage, Tennessee 37076, 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.

If applicable, the HB 3588 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 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.

This sale is subject to all matters shown on any applicable recorded plat any unpaid taxes; and 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. In addition, the following parties may claim an interest in the above-referenced property: Bank of the South and Pinnacle National Bank

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.

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. 12-042492
Dec. 14, 21, 28, 2012 Fh16907

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:

December 14, 2012
December 21, 2012
December 28, 2012

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this **28th** day of **December 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.

62

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