BILL GARRETT, Davidson County
Trans:T20130014977 DEEDTRS
Recvd: 02/22/13 11:02 3 pgs
Fees:18.00 Taxes:184.19

20130222-0017892

Prepared & Recorded by:
RECONTRUST COMPANY, N.A.
4500 Amon Carter Blvd., TX2-979-02-10
Fort Worth, TX 76155

TS#:11-0091625

| ADDRESSES NEW OWNER(S) AS FOLLOWS | SEND TAX BILLS TO: | MAP PARCEL NUMBER |
|---|---|---|
| (NAME)<br>THE BANK OF NEW YORK MELLON | (NAME)<br>THE BANK OF NEW YORK MELLON | 052020058.00 |
| (STREET ADDRESS OR ROUTE NUMBER)<br>400 National Way | (STREET ADDRESS)<br>400 National Way | |
| (CITY) (STATE) (ZIP)<br>Simi Valley, CA 93063 | (CITY) (STATE) (ZIP)<br>Simi Valley, CA 93063 | |

# SUBSTITUTE TRUSTEE'S DEED

This instrument made and entered into on this, the February 8, 2013, by RECONTRUST COMPANY, N.A., substitute trustee ("Substitute Trustee").

WHEREAS, by that certain Deed of Trust dated November 18, 2004, recorded on November 23, 2004, as Instrument No. 20041123-0140448, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), TOMMY HUFNAGLE, AN UNMARRIED MAN (collectively "Borrower"),conveyed to ARNOLD M WEISS, ATTORNEY, certain real property as described below (the "Property") to secure the payment of a certain indebtedness described in the Deed of Trust including, without limitation, that evidenced by a certain promissory note executed on November 18, 2004, (the "Note"); and

WHEREAS, demand was made for the payment of the Note secured by the Deed of Trust referenced above, the payment of which was in default, and the obligation secured by the Deed of Trust referenced above was declared due and payable as provided in the Note and Deed of Trust, but the obligation was not paid; and

WHEREAS, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-13, the Beneficiary under the Deed of Trust, demanded that the Property be advertised and sold in accordance with the terms of the Deed of Trust; and

WHEREAS, Notice of the Right to Foreclose ("Notice") was given in compliance with Tennessee law by the mailing a copy of the Notice to the parties at least sixty (60) days prior to the first publication of the Substitute Trustee's Sale.

WHEREAS, the undersigned, RECONTRUST COMPANY, N.A., was duly appointed as Substitute Trustee in the place and stead ARNOLD M WEISS, ATTORNEY, said appointment being set forth on December 4, 2012, as Instrument No. 20121204-0111309 said Register's Office; and

WHEREAS, the Substitute Trustee caused the Notice of Substitute Trustee's Sale ("Notice of Sale") to be published as provided in the Deed of Trust and Note in the DAVIDSON AM that the Property would be sold on February 8, 2013, at time 2:00 PM at the door of the Davidson County Courthouse, Tennessee, such advertisement appearing in said newspaper on January 18, 2013, January 25, 2013 and February 1, 2013, a copy of such Notice of Sale sent to Borrower, the current owner of the Property, and all other parties who appeared to have any interest in the Property reflected in the records of the Register's Office of Davidson County, Tennessee, and following such Notice of Sale the default was not cured; and

WHEREAS, the Substitute Trustee at the time, place and date specified in said Notice of Sale offered the Property for sale, and after opening the floor for competitive bids, sold said Property to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-13 at the price of $49,782.00, this being the highest, last and best bid.

NOW, THEREFORE, RECONTRUST COMPANY, N.A., Substitute Trustee, in consideration of the premises and the sum of $49,782.00, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-13 ("Grantee"), its successors and assigns, all of my right, title and interest in and to the Property, including without limitation, the following described real

estate and improvements located thereon, but no further or otherwise, located in Davidson County, Tennessee, and more particularly described as follows, to wit:

Land in Davidson County, Tennessee being Lot No. 12 and the easterly one-half of Lot No. 11, Block D, on the revised Plan of Rainbow Terrace Subdivision, of record in Book 1130, page 85 Register's Office of Davidson County, Tennessee. Said Property fronts 75 feet on the southerly margin of McCarey Ave and extends back between parallel lines 145 feet to a dead line.

Being the same property conveyed to Tommy J. Hufnagle by deed from Billy G. Dial and wife, Barbara C. Dial dated November 18, 2004 the same being filed simultaneously herewith as Instrument No 20041123-0140447 in the Register's Office for Davidson County, Tennessee..

Property Address: **614 MCCARLEY AVE, MADISON, TN 37115**

PARCEL NUMBER: 052020058.00

Borrower's source of title is that certain **Warranty Deed**, dated **11/18/2004**, given by **Billy G. Dial and wife, Barbara C. Dial** to **Tommy J. Hufnagle** and recorded **11/23/2004 Instrument # 20041123-0140447**, said Register's Office. To have and to hold the aforesaid real estate, together with all improvements thereon, free from any equity of redemption, statutory right of redemption, spouses elective share, homestead, dower, courtesy and all other exemptions, as provided in, but only to the extent provided in, said Deed of Trust.

Said sale will be subject to (1) any and all unpaid ad valorem taxes (plus penalty and interest, if any) that may be a lien upon the Property; (2) any and all liens, defects, encumbrances, adverse claims, and other matters which take priority over the Deed of Trust upon which this foreclosure sale is had; (3) any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal, which might not have been waived by such governmental agency; (4) applicable covenants, restrictions, building setbacks, easements, and to all conditions as shown with respect to the aforementioned Property in the Register's Office of Davidson County, Tennessee; (5) any governmental zoning and subdivision ordinances or regulations in effect thereon; (6) the accuracy of the Index Book of the said Register's Office; and (7) any other matters which an accurate survey of the Property might disclose.

The Property is conveyed AS IS WHERE IS, without representations or warranties of any kind whatsoever, whether express or implied. Without limiting the foregoing, THE PROPERTY IS SOLD WITHOUT ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE.

WITNESS the signature of the Substitute Trustee on the day and date first above written.

RECONTRUST COMPANY, N.A., as Substitute Trustee 2.13.13
By: Keri Harelson
Print Name: KERI HARELSON
Title: AVP

STATE OF TEXAS )
COUNTY OF TARRANT )

On FEB 13 2013, before me Rosemarie S. Martinez, personally appeared Keri Harelson AVP, ReconTrust Company NA, known to me (or proved to me on the oath of ___ or through ___) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL

Rosemarie S. Martinez
Notary Public's Signature

ROSEMARIE S. MARTINEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 02-21-16

STATE OF TEXAS )
COUNTY OF TARRANT )

The actual consideration or value, whichever is greater, for this transfer is $49,782.00.

Keri Harelson 2.13.13
Affiant KERI HARELSON

Sworn to and subscribed before me this 13TH day of February, 2013.

Rosemarie S. Martinez
Notary Public

My commission expires:
FEB 21, 2016

ROSEMARIE S. MARTINEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 02-21-16