# SUBSTITUTE TRUSTEE'S DEED

WHEREAS, under date of 27 June 2005 , ELBERTA DAVIS executed a certain Trust Deed to John J. Owens, Trustee for Mortgage Electronic Registration Systems, Inc., as nominee for Ameritrust Mortgage Company ("AMC"), for the purpose of securing the debt and obligations therein described, which Trust Deed is recorded as Instrument No. 20050629-0074841, in the Register's Office of Davidson County, Tennessee; and

WHEREAS, the Trust Deed, debt and obligations were assigned by AMC to HSBC Mortgage Services, Inc., by instrument recorded in said Register's Office as Instrument No. 20120914-0083426; and

WHEREAS, HSBC Mortgage Services, Inc., the holder and owner of the debt and obligations secured by said Trust Deed, having for reasons satisfactory to itself, under the provisions of said Trust Deed, by instrument recorded in said Register's Office as Instrument No. 20121130-0110120, named and appointed the undersigned as Trustee in the place and stead of John J. Owens; and

WHEREAS, default was made in the payment of the debt and obligations secured by said Trust Deed and the undersigned, as Substitute Trustee, was requested to advertise and sell the property conveyed by said Trust Deed in compliance with the provisions thereof; and

WHEREAS, the undersigned, as Substitute Trustee, did, in compliance with the provisions of said Trust Deed, advertise for sale the property conveyed by same, the advertisement of sale having been published in The Tennessee Tribune/West Tennessee Examiner, a newspaper published and/or distributed in Davidson County, Tennessee in the issues of 17, 24, 31 January 2013 of said newspaper, said sale having been advertised for Thursday, 7 February 2013, commencing at 12:00 o'clock noon outside the door of the Register of Deed's Office, 501 Broadway, Nashville, Tennessee, at the Northwest entry of the Sommet Center at which time and place the property was offered for sale and sold; and

WHEREAS, the highest and best bid for said property was then and there made by HSBC Mortgage Services, Inc., to-wit: a bid of Sixty-Seven Thousand Six Hundred Fifty-Five and 52/100 Dollars ($67,655.52) for said property, which bid was then and there accepted by the undersigned as Substitute Trustee.

NOW, THEREFORE, for the consideration named, and for and in consideration of the compliance with the terms of said bid, the undersigned, Richard J. Myers, as Substitute Trustee, has bargained and sold, and does by these presents bargain, sell and convey to the said HSBC Mortgage Services, Inc., the property advertised and sold as hereinabove recited, situated, lying and being in the County of Davidson, State of Tennessee, and more particularly described as follows:

BEING LOT NO. 48 ON THE PLAN OF THE PLAN OF HICKORY HOLLOW TOWNHOMES (MILL PARK), PHASE I, A HORIZONTAL PROPERTY REGIME (PRIVATE ELEMENT) OF RECORD IN BOOK 9700, PAGE 686, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE TO WHICH REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

BEING THE SAME PROPERTY CONVEYED BY CASH DEED FROM ALPHONSO JACKSON, ACTING SECRETARY OF HOUSING AND URBAN DEVELOPMENT, OF WASHINGTON, D.C. TO ELBERTA DAVIS, AN UNMARRIED WOMAN, RECORDED THE 5TH DAY OF AUGUST, 2004 IN INSTRUMENT NO. 20040805-0094521, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

PREPARED BY AND RETURN TO:
Richard J. Myers, Esq
APPERSON CRUMP PLC
6070 Poplar Avenue, Sixth Floor
Memphis, TN 38119
(901) 756-6300

BILL GARRETT, Davidson County
Trans:T20130015687 DEEDTRS
Recvd: 02/26/13 07:31 5 pgs
Fees:28.00 Taxes:250.33
20130226-0018831

Property Address: 5170 Hickory Hollow Pkwy, Antioch, TN 37013

TO HAVE AND TO HOLD, unto the said HSBC Mortgage Services, Inc., its successors and assigns, in fee simple forever.

The undersigned Substitute Trustee believes the title hereby conveyed to be good, but 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 above-described Trust Deed, and not further or otherwise.

This sale is made subject to any and all outstanding unpaid real property taxes upon the property as of the date of the Substitute Trustee's sale described herein, and any and all other prior restrictions, encumbrances, or liens of any nature.

The § 35-5-117 notice of the right to foreclose was timely forwarded, a copy of which is attached as Exhibit 1.

The proceeds of this sale, the receipt of which the undersigned Substitute Trustee hereby acknowledges, have been applied as follows:

| | | |
|---|---|---|
| TOTAL BID | | $67,655.52 |
| Expenses: | | |
| Recording Substitution of Trustee | 12.00 | |
| Title Work | 450.00 | |
| Advertising Expenses | 425.00 | |
| Recording Substitute Trustee's Deed | 278.33 | |
| Unpaid Real Property Taxes | 1,307.15 | |
| Attorney Fee and Costs | 900.00 | |
| TOTAL EXPENSES | | 3,372.48 |
| BALANCE APPLIED TO THE MORTGAGE INDEBTEDNESS | | $64,283.04 |

WITNESS, the signature of the undersigned, Richard J. Myers, Substitute Trustee, this 15th day of February, 2013.

Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On this the 15th day of February, 2013, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Richard J. Myers, Substitute Trustee, to me known to be the person described, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office the day and year above written.

Tangela Pearson
Notary Public

My Commission Expires:
11-8-14

TANGELA PEARSON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Comm. Exp. 11-08-2014

PROPERTY ADDRESS:

5170 Hickory Hollow Pkwy
Antioch, TN 37013

SEND TAX BILLS TO:

HSBC Mortgage Services, Inc.
636 Grand Regency Blvd.
Brandon, FL 33510

**Grantee:** **HSBC Mortgage Services, Inc.**
**636 Grand Regency Blvd.**
**Brandon, FL 33510**

Tax Parcel No.: 163050A04800CO

I, Richard J. Myers, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $67,655.52, 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 this 15th day of February, 2013.

Notary Public

My Commission Expires: 11-8-14

TANGELA PEARSON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Comm. Exp. 11-08-2014

# *APPERSON CRUMP*

*The Law in Memphis Since 1865*

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Sixth Floor
Memphis, TN 38119-3954

(901) 756-6300 - Telephone
(901) 757-1296 - Facsimile
www.appersoncrump.com

14 November 2012

VIA U.S. MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Elberta Davis
5170 Hickory Hollow Pkwy
Antioch, TN 37013

Certified Article Number
7196 9008 9111 7945 1633
SENDERS RECORD

Ms. Elberta Davis
5170 Hickory Hollow #268
Antioch, TN 37013

Certified Article Number
7196 9008 9111 7945 1619
SENDERS RECORD

RE: Name of Borrower: Elberta Davis
Address: 5170 Hickory Hollow Pkwy, Antioch, TN 37013
Loan Account No.: 0010731487
Past Due Amount: $7,426.48 (through 6 November 2012)

Dear Ms. Davis:

Enclosed herewith is a NOTICE OF THE RIGHT TO FORECLOSE as required by Tennessee Code Annotated §35-5-117, which notice must be sent at least 60 days prior to publication of a foreclosure sale. Due to the above-referenced default, we intend to institute foreclosure proceedings 60 days after the date of this letter.

If you wish to discuss this matter, you should contact the person named in the enclosed notice.

This letter is an attempt to collect a debt and any information obtained will be used for that purpose. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you so request this office in writing within 30 days of receipt hereof, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Any payments or additional communications should be directed to this firm.

Cordially,

Richard J. Myers

RJM/vm
Enclosure

EXHIBIT
tabbies
1

## NOTICE OF THE RIGHT TO FORECLOSE

Date of Notice: **November 14, 2012**

The holder of the mortgage, deed of trust or other lien on your property has the right to begin the process of foreclosing on the debt and may sell your property at public auction to satisfy the debt at any time after sixty (60) days from the date of this notice of the right to foreclose for a period of twelve (12) months without sending you another notice of right to foreclose.

You should IMMEDIATELY contact the lender, servicer or creditor listed below to discuss repayment options for which you may qualify, or if none are available, foreclosure alternatives such as short sale or deed in lieu of foreclosure. Failure to satisfy your payment obligations may result in loss of your home.

Debt counseling may be available in your area. You can determine if debt counseling is available in your area and locate an approved counselor at the U.S. Department of Housing and Development (HUD) web site at www.HUD.gov.

You may also be eligible for certain Federal loan modifications programs. You should review your options under these programs immediately at the Department of Housing and Urban Development web site (www.HUD.gov) and or at other applicable websites and consult your lender. If you wish to participate in one of these programs, you must make timely application as required by the program. You should notify the lender, servicer or creditor of your interest in participating in one of these programs.

**YOU MUST ACT IMMEDIATELY IF YOU WISH TO TRY TO SAVE YOUR HOME.**

| | |
|---|---|
| Name of Creditor: | HSBC Mortgage Services, Inc. |
| Address of Creditor: | 2929 Walden, Depew, NY 14043 |
| Phone: 1-800-338-6441 | Fax: 732-352-7544 |
| Website and email address: | www.us.hsbc.com/1/2/3/personal/home-loans |
| Contact person: | Default Services |

Government Loan Modification Program Information: http://makinghomeaffordable.gov/