PREPARED BY AND RETURN TO:
Tiffany Parker
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
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BILL GARRETT, Davidson County
Trans:T20130020005 DEEDTRS
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Fees:17.00 Taxes:0.00
20130312-0024455

Tennessee FHA

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated August 1, 2008, recorded in Instrument No. 20080806-0080894, in the Register's Office of Davidson County, Tennessee, Abraham Simmons, a single person, and Jessica Bowman, a single person conveyed to Arnold M. Weiss, Esquire, 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, Wells Fargo Bank, NA appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20120717-0062793, 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, Wells Fargo Bank, NA requested the undersigned to advertise and 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 by said Wells Fargo Bank, NA, 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 October 18, 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 Wells Fargo Bank, NA, 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 $148,051.54, that being the highest and best bid offered; and,

WHEREAS, the said Wells Fargo Bank, NA 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 Wells Fargo Bank, NA 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 Madison, County of Davidson, State of Tennessee, to-wit:

> Land in Davidson County, Tennessee, being Unit No. 34 on the Plan of Bixler Farms Townhomes, Phase 1, a Horizontal Property Regime with Private Elements, created under Title 67, Section 27-101, et. seq., as amended, Tennessee Code Annotated, as established by Declaration of Covenants, Conditions and Restrictions of Bixler Farms Townhomes, a Horizontal Property Regime with Private Elements, of record in Instrument No. 20070213-0018434, Register's Office for Davidson County, Tennessee, including without limitations the By-Laws appended thereto, said Register's Office, together with the undivided percentage interest in the Common Elements appurtenant to said Unit, as set forth in said Declaration of Covenants. Reference is hereby made to the plan of Bixler Farms Townhomes, Phase 1, shown on Exhibit "C" to the Declaration of Covenants of record in Instrument No. 20070213-0018434, Register's Office for Davidson County, Tennessee, for a more complete identification and description of said unit.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20080806-0080894, 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. 20080806-0080894, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200808060080893, 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 24 day of October, 2012.

Shapiro & Kirsch, LLP

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 24th day of October, 2012, before me, a Notary Public, in and for said State and County, personally appeared Philip Brooks, 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

JOHN T. CATRON, JR.
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

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

PROPERTY ADDRESS: 244 Jenna Lee (Per DOT), Madison, Tennessee 37115

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 #12-035148 / WNI
Map & Parcel -043100C03400

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COST OF PUBLICATION

First Insertion
Second Insertion
Third Insertion
Total [redacted]

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on **October 18, 2012 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 Abraham Simmons, a single person, and Jessica Bowman, a single person, to Arnold M. Weiss, Esquire, Trustee, as trustee for Citylife Lending Group, LLC on August 1, 2008 at Instrument No. 20080808-0080894; 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: Wells Fargo Bank, NA

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

Described property located at Davidson, County, Tennessee, to wit:

Land in Davidson County, Tennessee, being Unit No. 34 on the Plan of Bixler Farms Townhomes, Phase 1, a Horizontal Property Regime with Private Elements, created under Title 67, Section 27-101, et. seq., as amended, Tennessee Code Annotated, as established by Declaration of Covenants, Conditions and Restrictions of Bixler Farms Townhomes, a Horizontal Property Regime with Private Elements, of record in Instrument No. 20070213-0018434, Register's Office for Davidson County, Tennessee, including without limitations the By-Laws appended thereto, said Register's Office, together with the undivided percentage interest in the Common Elements appurtenant to said Unit, as set forth in said Declaration of Covenants. Reference is hereby made to the plan of Bixler Farms Townhomes, Phase 1, shown on Exhibit "C" to the Declaration of Covenants of record in Instrument No. 20070213-0018434, Register's Office for Davidson County, Tennessee, for a more complete identification and description of said unit.

Street Address: 244 Jenna Lee (Per DOT), Madison, Tennessee 37115

Secondary Property Address: 244 Jenna Lee Circle (Per Assessor), Madison, TN 37115

Parcel Number: 043100C03400

Current Owner(s) of Property: Abraham Simmons, unmarried, and Jessica Bowman, unmarried, as joint tenants with rights of survivorship

Other Interested parties: Bixler Farms Townhouse Corporation c/o Hostetler and Neuhoff & Davis Realty, L.L.C. c/o Ortale, Kelley, Herbert & Crawford.

The street address of the above described property is believed to be 244 Jenna Lee (Per DOT), Madison, Tennessee 37115, 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:

Bixler Farms Townhouse Corporation c/o Hostetler, Neuhoff & Davis Realty, L.L.C. c/o Ortale, Kelley, Herbert & Crawford and Bixler Farms Townhouse Corporation

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. 12-085148
Aug. 17, 24, 31, 2012 FN16586

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:

August 17, 2012
August 24, 2012
August 31, 2012

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this **31st** day of **August 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.

FIT