4908 Olivia Drive, Antioch, TN 37013
This Instrument Prepared By:

BILL GARRETT, Davidson County
Trans:T20130021031 DEEDTRS
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20130314-0025639

David M. Smythe
SMYTHE & HUFF
Suite 333- Pilcher Building
144 Second Avenue, North
Nashville, TN 37201
(615) 255-4849

# SUBSTITUTE TRUSTEE'S DEED

| Address New Owner(s) As Follows: | Send Tax Bills To: | Map-Parcel Nos. |
|---|---|---|
| Civic Bank & Trust<br>3325 West End Avenue<br>Nashville, TN 37203 | Same | Map No. 162-030<br>Parcel No. 111.00 |

I, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $72,450.00.

Affiant

Subscribed and sworn to before me, this 13th day of March, 2013.

Notary Public

SHELLEY L. ORR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: March 3 2015

WHEREAS, by Deed of Trust dated November 2, 2007 of record in Instrument No. 20071210-0142079, Register's office for Davidson County, Tennessee, Richard D. Hlavati, II, conveyed to Randall L. Austin, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein set forth; and

WHEREAS, the holder of the debt secured the appointment of undersigned as Substitute Trustee by instrument of record in Instrument No. 20130205-0012016, said Register's office; and

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, in pursuance of said request of said beneficiary, the said property was advertised for sale in conformity with the terms and provisions of said Deed of Trust and such ad appeared in The Tennessean / Davidson A.M. Edition on February 15, 2013, February 22, 2013 and March 1, 2013; and

WHEREAS, pursuant to the Notice of Sale, the foreclosure sale was appointed to be held on the 12th day of March, 2013, at 10:30 o'clock a.m. at the South front entrance of the Davidson County Courthouse, James Robertson Parkway, Nashville, Tennessee; 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 sale, Civic Bank & Trust, being the highest and best bidder, became the purchaser of said property at and for the sum of Seventy Two Thousand Four Hundred Fifty and no/100th Dollars ($72,450.00).

NOW, THEREFORE, in consideration of the premises, and the said purchase price bid and paid, undersigned, as the Substitute Trustee, does hereby grant, bargain, sell, transfer, and convey unto Civic Bank & Trust, the following real estate:

> Land in Davidson County, Tennessee being lot 270, section 4A, plan of Colewood Acres, as shown on plat of record in plat book 4300, page 105, in the Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more particular description of said property.
>
> Being the same property conveyed to Richard Hlavati II, a married man, by Warranty Deed from Anita L. Savage, an unmarried woman, recorded July 19, 2007, in Instrument No. 20070719-0085746 in the Register's Office for Davidson County, Tennessee.

to have and to hold the same, together with all the hereditaments, improvements, buildings, easements, and appurtenances therein and thereunto belonging and appertaining, in fee simple, forever and free from all rights of appraisement, homestead exemption, as well as any equity of redemption and statutory right of redemption and all other rights and exemptions of every kind in the property in the Maker of said Deed of Trust and all persons claiming through and under said Maker.

UNDERSIGNED, as Substitute Trustee, does hereby transfer, assign, and set over unto Civic Bank & Trust, its successors and assigns, all of the covenants or warranties contained in the aforesaid Deed of Trust, and does hereby warrant the title to the aforesaid real estate as fully and completely as he is authorized to do as such Substitute Trustee, but no further or otherwise. Undersigned makes no warranties as to condition, location or set back of improvements on the property. The property is subject to all easements or restrictions of record in the Register's Office. This conveyance is subject to such priority tax liens and prior encumbrances as may appear of record, as well as all ad valorem property taxes which may be of record or applicable to said property.

The real property being foreclosed was not owner-occupied residential property for purposes of Tenn. Code Ann. §35-5-117(g) and no notice of the right to foreclosure as provided in said Code Section was required to be sent to the owner. Relief from the provisions of the Automatic Stay of 11 U.S.C. §362 was obtained on January 30, 2013 in the pending Chapter 7 Bankruptcy case of Richard D. Hlavati, II in Middle District Bankruptcy Court Case No. 3:12-bk-10889.

The designation of the parties to this instrument in either the plural or singular shall be applied to mean either number, and where appropriate in the context hereof, shall mean any one or more of said parties, and any pronoun used herein shall include the masculine, feminine and neuter genders.

IN WITNESS WHEREOF, undersigned has hereunto set his hand and seal, this 13th day of March, 2013.

David M. Smythe, Substitute Trustee

**STATE OF TENNESSEE** )
)
**COUNTY OF DAVIDSON** )

Personally appeared before me, Shelley L. Orr, a Notary Public in and for the said county and State, the within named bargainor, David M. Smythe, Substitute Trustee, with whom I am personally acquainted, (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purpose therein contained.

Witness my hand and official seal at office this 13th day of March, 2013.

Shelley L. Orr
Notary Public

SHELLEY L. ORR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: March 3, 2015