BILL GARRETT, Davidson County
Trans:T20130024634 DEEDTRS
Recvd: 03/27/13 09:10 3 pgs
Fees:17.00 Taxes:0.00
20130327-0029810

Prepared by and Return to:
Rubin Lublin TN, PLLC
119 S. Main Street, Suite 500
Memphis, TN 38103
BAC-12-09463

ADDRESSES NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP PARCEL NUMBER:
SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, its successors and assigns	SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, its successors and assigns	147-100-140
c/o Michaelson, Conner, and Boul 4400 Will Rogers Parkway Suite 300 Oklahoma City, OK 73108	c/o Michaelson, Conner, and Boul 4400 Will Rogers Parkway Suite 300 Oklahoma City, OK 73108	

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by that certain Deed of Trust dated September 3, 2009 and recorded September 16, 2009, at **Instrument Number 20090916-0086519**, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), **DARCY MILLER AND SAMUEL E MILLER** ("Borrower"), conveyed to SOUTHEAST TITLE OF TENNESSEE, INC., Trustee, 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 September 3, 2009, (the "Note"), which obligation is presently held and owned by **BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP**; 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, Lender, the owner and holder of the Note evidenced by the Deed of Trust, demanded that the Property be advertised and sold in accordance with the terms of the Deed of Trust; and

WHEREAS, the undersigned, Rubin Lublin TN, PLLC, was duly appointed as Substitute Trustee in the place and stead of SOUTHEAST TITLE OF TENNESSEE, INC., said appointment being set forth in **Instrument Number 20120829-0077833** in said Register's Office; and

WHEREAS, a Notice of the Right to Foreclose, if required pursuant to T.C.A. § 35-5-117, was given at least sixty (60) days prior to the first publication in accordance with Tennessee law; and

WHEREAS, the Substitute Trustee caused a diligent search of the Defense Manpower Data Center (DMDC) website for each known Borrower in compliance with the Service Members Civil Relief Act, and as such the foreclosure of this property is not subject to the provisions of 50 U.S.C. § 501, et seq.; and

WHEREAS, the Substitute Trustee caused a diligent search of the PACER website for each known Borrower and determined that Substitute Trustee was not subject to an automatic stay in bankruptcy both at the time foreclosure proceedings commenced and the time the Property was sold; and

WHEREAS, the Substitute Trustee caused notice to be published as provided for under T.C.A. §35-5-104 and as provided in the Deed of Trust and Note in The Tennessee Tribune that the Property would be sold on November 15, 2012, at 11:00 AM at the door of the Davidson County Courthouse, Nashville Tennessee, such advertisement appearing in said newspaper on October 18, 2012, October 25, 2012, November 1, 2012, a copy of such notice was sent to the parties required under T.C.A. § 35-5-101(e) prior to the first publication date written above, and following such notice the default was not cured; and

WHEREAS, the Substitute Trustee at the time, place and date specified in said notices appeared and offered the property for sale, and after opening the floor for competitive bids, sold said Property to BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP at the price of **One Hundred Ninety-Nine Thousand Five Hundred Eighty-Three and 31/100 ($199,583.31)** this being the highest, last and best bid; and

WHEREAS, BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP, as successful purchaser at said sale, transferred and assigned its bid to SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, its successors and assigns.

NOW, THEREFORE, Rubin Lublin TN, PLLC, Substitute Trustee as aforesaid, in consideration of the premises and the sum of **One Hundred Ninety-Nine Thousand Five Hundred Eighty-Three and 31/100 ($199,583.31)** to me in hand paid, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto **SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, its successors and assigns** ("Grantee"), all of its 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:

PROPERTY COMMONLY KNOWN AS: 5028 EDMONDSON PIKE NASHVILLE, TN 37211 COUNTY OF DAVIDSON LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO.1 ON THE PLAN OF WHISPERING HILLS, SECTION 1, OF RECORD IN BOOK 2331, PAGE 82, 83, AND 84, REGISTER`S OFFICE FOR SAID COUNTY, AS FOLLOWS: BEGINNING AT A POINT IN THE EASTERLY MARGIN OF DURRETT DRIVE AT THE CORNER OF LOTS 1 AND 4; THENCE WITH THE LINE BETWEEN SAID LOTS, EASTERLY 304.3 FEET TO A POINT; THENCE NORTHERLY 6.2 FEET TO A POINT; THENCE NORTHWESTERLY 271.7 FEET TO THE SOUTHEAST MARGIN OF EDMONDSON PIKE; THENCE WITH THE MARGIN OF THE SAME, SOUTHWESTERLY 134.7 FEET TO THE BEGINNING OF A CURVE; THENCE AROUND SAID CURVE, SOUTHERLY 39.3 FEET THE EASTERLY MARGIN OF DURRETT DRIVE; THENCE WITH THE MARGIN OF THE SAME, SOUTHEASTERLY 148 FEET TO THE POINT OF BEGINNING. INCLUDED BUT EXCLUDED: BEGINNING AT A POINT, BEING THE NORTHWESTERN CORNER OF PROPERTY BELONGING TO JAMES F. LANGLEY, ETUX, SAID POINT BEING COMMON TO PARCEL 139 OF MAP 147-10, AS RECORDED IN BOOK 5224, PAGE 726; THENCE ALONG SAID PROPERTY LINE S 72 DEG. 18 MINS. E, FOR 5.43 FEET, MORE OR LESS, TO A POINT; THENCE S 40 DEG. 38 MIN. W FOR 42.41 FEET, MORE OR LESS, TO A POINT; THENCE ALONG A CURVE TO THE RIGHT RADIUS 1030 FEET FOR 36.85, MORE OR LESS, TO A POINT; THENCE S 42 DEG. 41 MINS. W FOR 52.75 FEET, MORE OR LESS, TO A POINT; THENCE ALONG A CURVE TO THE LEFT OF RADIUS 30 FEET, GOT 47.10 FEET MORE OR LESS, TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF DURRETT DRIVE; THENCE N 47 DEG. 16 MINS W FOR 10 FEET MORE OR LESS, ALONG SAID RIGHT-OF-WAY LINE TO A POINT; THENCE ALONG A CURVE TO THE RIGHT OF RADIUS 25` FOR 39.25 FEET MORE OR LESS; THENCE N 42 DEG. 41 MINS. E ALONG THE EXISTING RIG HT-OF-WAY OF EDMONSON PIKE FOR 57.74 FEET, MORE OR LESS, TO A POINT; THENCE ALONG A CURVE TO THE LEFT OF RADIUS 1025 FEET FOR 36.67 FEET, MORE OR LESS, TO A POINT; THENCE N 40 DEG. 38 MINS. E FOR 40.29 FEET, MORE OR LESS, TO THE POINT OF BEGINNING AND CONTAINING THEREIN AN AREA OF 863.07 SQUARE FEET, MORE OR LESS.
BEING THE SAME PROPERTY CONVEYED TO SAMUEL E. MILLER AND WIFE DARCY MILLER BY DEED FROM ROBIN PIERCE MILLER AND WIFE, SARA FRANCES MILLER, DATED 02/03/94 AND FILED OF IN BOOK 9248, PAGE 374 AND BOOK 8992, PAGE 782, SAID REGISTER`S OFFICE.

This property is now or was formerly known as 5028 EDMONDSON PIKE, NASHVILLE, TN 37211.

This entity is tax exempt.

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 this ___ day of DEC - 6 2012, 20___.

Rubin Lublin TN, PLLC

Printed Name: PAMELA R NIX
Title: Member

STATE OF GEORGIA)
COUNTY OF GWINNETT)

Before me, Najur Bowser, of the state and county aforesaid, personally appeared , PAMELA R NIX, of Rubin Lublin TN, PLLC, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be a Member of Rubin Lublin TN, PLLC, a Limited Liability Company, and that he/she as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the Limited Liability Company by himself/herself as such officer.

WITNESS my hand and seal at office in NORCROSS, GEORGIA, this ___ day of DEC - 6 2012 20___.

Notary Public

NAJUR H. BOWSER NOTARY PUBLIC FULTON COUNTY EXPIRES GEORGIA SEPT. 22, 2014

My commission expires:

STATE OF GEORGIA)
COUNTY OF GWINNETT)

The actual consideration or value, whichever is greater, for this transfer is $199,583.31.

Affiant

Sworn to and subscribed before me this DEC - 6 2012 day of _____, 20___.

Notary Public

NAJUR H. BOWSER NOTARY PUBLIC FULTON COUNTY EXPIRES GEORGIA SEPT. 22, 2014

My commission expires: