PREPARED BY AND RETURN TO:
Tiffany Parker
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BILL GARRETT, Davidson County
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20130408-0034250

**Tennessee FHA**

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated May 2, 2008, recorded in Instrument No. 20080509-0048218, in the Register's Office of Davidson County, Tennessee, Karen D. Patton, an unmarried woman, and Eric D. Patton, an unmarried man conveyed to Robert M. Wilson, Jr., 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, EverBank appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20121025-0097784, 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, EverBank 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 EverBank, 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 November 1, 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 EverBank, whose address is EverBank, 301 West Bay Street, Jacksonville, Florida 32202, at and for the sum of $111,292.82, that being the highest and best bid offered; and,

WHEREAS, the said EverBank 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 EverBank 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 Lot 174 on the unrecorded map or plan of Nawakwa Hills, Powwow Addition, Section No. 6, described as follows:
>
> Beginning at a point in the Easterly margin of Ocoee Trail, said point being 1058.82 feet Southeast from an iron pin marking the intersection of the Southerly right of way of Nawakwa Trail and the Easterly right of way of Ocoee Trail; thence North 67 deg. 01' 36" East 149.66 feet to a point; thence South 22 deg. 58' 24" West 50.40 feet to a point; thence South 67 deg. 01' 36" West 149.66 feet to a point; thence with the Easterly margin of Ocoee Trail, North 22 deg. 58' 24" East 50.40 feet to the point of beginning.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20080509-0048218, 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. 20080509-0048218, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 20080509-0048217, 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 2nd day of November, 2012.

Shapiro & Kirsch, LLP

By: Ashley M Jones

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 2nd day of November, 2012, before me, a Notary Public, in and for said State and County, personally appeared Ashley M. Jones, 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
AUGUST 01, 2016
My commission expires:

Notary Public

GANYA MARKEY
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

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

**PROPERTY ADDRESS:** 1443 Ocoee Trail, 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 #12-040615 / AMC**
**Map & Parcel -063 02 0 120.00**

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**SUBSTITUTE TRUSTEE'S SALE**

Sale at public auction will be on November 1, 2012 at 10:00AM local time, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, conducted by Shapiro & Kirsch, LLP Substitute Trustee, pursuant to Deed of Trust executed by Karen D. Patton, an unmarried woman, and Eric D. Patton, an unmarried man, to Robert M. Wilson, Jr., Trustee, on May 2, 2008 at Instrument No. 20080509-0048218; all of record in the Davidson County Register's Office.

Owner of Debt: EverBank

The following real estate located in Davidson County, Tennessee, will be sold to the highest call bidder subject to all unpaid taxes, prior liens and encumbrances of record:

Described property located in Davidson County, Tennessee, and being more particularly described in deed of record in Instrument No. 20080509-0048218; in the Register's Office of Davidson County, Tennessee

Parcel Number: 063 02 0 120.00

Current Owner(s) of Property: Eric D. Patton, unmarried, and Karen D. Patton, unmarried

Other interested parties: SLM Education Credit Finance Corporation, c/o Buffaloe & Associates, PLC and Carmel Financial Corporation

The street address of the above described property is believed to be 1443 Ocoee Trail, 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 referenced herein shall control.

SALE IS SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

If applicable, the notice requirements of T.C.A. 35-5-117 have been met.

SALE IS SUBJECT TO UCC LIEN HELD BY CARMEL FINANCIAL CORPORATION, OF RECORD AT INSTRUMENT NUMBER 200806060058390, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

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.

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 at any time.

Shapiro & Kirsch, LLP Substitute Trustee

www.kirschattorneys.com

Law Office of Shapiro & Kirsch, LLP

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File No. 12-040615