BILL GARRETT, Davidson County
Trans:T20130047243 DEEDTRS
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Fees:17.00 Taxes:0.00
20130606-0057494

Prepared by and Return to:
Rubin Lublin TN, PLLC F/K/A Rubin Lublin Suarez Serrano TN, PLLC
119 S. Main Street, Suite 500
Memphis, TN 38103
BAC-11-06440

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	049 00 0 108.00
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 January 23, 2009 and recorded January 30, 2009, at **Instrument Number 20090130-0008280**, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), **James R. Smotherman and Mindi L. Smotherman** ("Borrower"), conveyed to PRLAP, 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 January 23, 2009, (the "Note"), which obligation is presently held and owned by **BANK OF AMERICA, N.A.**; 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 F/K/A Rubin Lublin Suarez Serrano TN, PLLC, was duly appointed as Substitute Trustee in the place and stead of PRLAP, INC., said appointment being set forth in **Instrument Number 20120620-0054077** 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 August 16, 2012, at 11:00 AM at the door of the Davidson County Courthouse, Nashville Tennessee, such advertisement appearing in said newspaper on July 26, 2012, August 2, 2012, August 9, 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. at the price of **One Hundred Twenty-One Thousand Two Hundred Sixty-Four and 42/100 ($121,264.42)** this being the highest, last and best bid; and

WHEREAS, BANK OF AMERICA, N.A., 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 F/K/A Rubin Lublin Suarez Serrano TN, PLLC, Substitute Trustee as aforesaid, in consideration of the premises and the sum of **One Hundred Twenty-One Thousand Two Hundred Sixty-Four and 42/100 ($121,264.42)** 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:

TRACT I:

BEING LOT NO.5 OF BLOCK "B" ON THE PLAN OF JACK BURTON`S SUBDIVISION, NOT OF RECORD, DESCRIBED ACCORDING AT A SURVEY BY JAMES A. HAMILTON, SURVEYOR, DATED DECEMBER 21, 1946, AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER OF WHITES CREEK PIKE AT THE COMMON CORNER OF LOTS NOS 4 & 5 ON SAID PLAN; THENCE WITH THE LINE BETWEEN SAID LOTS 4 & 5, SOUTH 58 DEGREES 15 MINUTES WEST 275 FEET TO AN IRON PIN; THENCE NORTHERLY 150 FEET TO AN IRON PIN; THENCE NORTH 58 DEGREES 15 MINUTES EAST 275 FEET TO THE CENTER OF WHITES CREEK PIKE; THENCE WITH THE CORNER OF SAID PIKE, SOUTHERLY 150 FEET TO THE BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO JAMES R. SMOTHERMAN FROM ROGER D. BYBEE BY WARRANTY DEED DATED 08-03-2007, AND RECORDED 08-23-2007 IN INSTRUMENT # 20070823-0101206, SAID REGISTER`S OFFICE.

TRACT II:
LOT OF LAND ADJOINING AND TO THE REAR OF LOT NO.5 OF BLOCK "B" ON THE PLAN OF JACK BURTON`S SUBDIVISION, THE SAID LOT NO.5 HAVING BEEN CONVEYED TO ROGER D. BYBEE OF RECORD IN BOOK 6424, PAGE 474, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

THE LOT HEREIN CONVEYED MEASURES 150 FEET ON ITS NORTHERLY BOUNDARY, BEING REAR BOUNDARY OF LOT NO.5, AND RUNS BACK BETWEEN LINES MEASURING 76 FEET, MORE OR LESS, TO.A REAR LINE, ON WHICH IT MEASURES 146 FEET, MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED TO JAMES R SMOTHERMAN FROM ROGER D. BYBEE AND WIFE, PAMELA M. BYBEE BY QUITCLAIM DEED DATED 08-08-2007, AND RECORDED 08-23-2007 IN INSTRUMENT # 20070823-0101208, SAID REGISTER`S OFFICE.

This property is now or was formerly known as 3616 Whites Creek Pike, Nashville, TN 37207.

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 AUG 27 2012, 20___.

Rubin Lublin TN, PLLC F/K/A Rubin Lublin Suarez Serrano TN, PLLC

Printed Name: LISA F. CAPLAN

Title: Member

STATE OF GEORGIA)
COUNTY OF GWINNETT)

Before me, Jessica Cruell, of the state and county aforesaid, personally appeared, LISA F. CAPLAN, of Rubin Lublin TN, PLLC F/K/A Rubin Lublin Suarez Serrano 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 F/K/A Rubin Lublin Suarez Serrano 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 AUG 27 2012, 20___.

Notary Public

JESSICA CRUELL NOTARY PUBLIC GEORGIA GWINNETT COUNTY EXPIRES April 28, 2016

My commission expires:

STATE OF GEORGIA)
COUNTY OF GWINNETT)

The actual consideration or value, whichever is greater, for this transfer is $121,264.42.

Affiant

Sworn to and subscribed before me this ___ day of AUG 27 2012, 20___.

Notary Public

JESSICA CRUELL NOTARY PUBLIC GEORGIA GWINNETT COUNTY EXPIRES April 28, 2016

My commission expires: