FILE NO.: BAC-13-00644

BILL GARRETT, Davidson County
Trans:T20130052773 DEEDTRS
Recvd: 06/21/13 13:13 3 pgs
Fees:18.00 Taxes:1981.35
20130621-0063930

Prepared by and Return to:
Rubin Lublin TN, PLLC
119 S. Main Street, Suite 500
Memphis, TN 38103
BAC-13-00644

ADDRESSES NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP PARCEL NUMBER:
BANK OF AMERICA, N.A.	BANK OF AMERICA, N.A.	132-14-0 070.00 & 132-14-0 070.01
7105 Corporate Drive PTX-A-274 Plano, TX 75024	7105 Corporate Drive PTX-A-274 Plano, TX 75024	

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by that certain Deed of Trust dated September 19, 2007 and recorded September 27, 2007, at **Instrument Number 20070927-0115515**, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), **ROSITA SMITH, TIM R. SMITH** ("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 September 19, 2007, (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, was duly appointed as Substitute Trustee in the place and stead of PRLAP, INC., said appointment being set forth in **Instrument Number 20130228-0019866** 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 June 6, 2013, at 11:00 AM at the door of the Davidson County Courthouse, Nashville Tennessee, such advertisement appearing in said newspaper on May 2, 2013, May 9, 2013, May 16, 2013, 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 **Five Hundred Thirty-Five Thousand Five Hundred and 00/100 ($535,500.00)** this being the highest, last and best bid.

NOW, THEREFORE, Rubin Lublin TN, PLLC, Substitute Trustee as aforesaid, in consideration of the premises and the sum of Five Hundred Thirty-Five Thousand Five Hundred and 00/100 ($535,500.00) to me in hand paid, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto BANK OF AMERICA, N.A. ("Grantee"), its successors and assigns, 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 NO. I
LAND IN THE 7TH, FORMERLY 11 TH CIVIL DISTRICT OF DAVIDSON COUNTY, TENNESSEE, BEING TRACT NO. 3 ON THE PLAN OF PAUL SCHIEL SUBDIVISION NO. 2 OF RECORD IN BOOK 2330, PAGE 68, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTHERLY MARGIN OF ROBERTSON ACADEMY ROAD 20 FEET WESTERLY FROM THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED TO THE CITY OF NASHVILLE BY JOHN H. CHEEK AND WIFE BY DEED OF RECORD IN BOOK 1308, PAGE 142, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE WITH THE NORTHERLY MARGIN OF SAID ROBERTSON ACADEMY ROAD WESTWARDLY 120 FEET; THENCE NORTH 8 DEG. 30 MIN. WEST 370 FEET; THENCE EASTWARDLY 145 FEET TO THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO THE CITY OF NASHVILLE, BY PAUL W. SCHIEL AND WIFE BY DEED OF RECORD IN BOOK 2039, PAGE 51, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE WITH THE WESTERN BOUNDARY LINE OF THE CITY OF NASHVILLE PROPERTY, SOUTH 2 DEG. 15 MIN. WEST 65 FEET TO THE SOUTHWEST CORNER OF SAID CITY OF NASHVILLE PROPERTY; THENCE WITH THE LINE OF THE SAID CITY OF NASHVILLE PROPERTY, EASTWARDLY 45 FEET; AND SOUTHWARDLY 300 FEET TO THE BEGINNING, CONTAINING 1.22 ACRES, MORE OR LESS.
TRACT NO. II
A TRACT OF LAND IN DAVIDSON COUNTY, TENNESSEE; SAID TRACT BEING PART OF LOT 3 ON THE PLAN OF JOHN OVERTON`S PROPERTY, OF RECORD IN PLAT BOOK 421, PAGE 160, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; SAID TRACT IS SHOWN AS DAVIDSON COUNTY TAX MAP 132-14, PARCEL 70-1, AND AS NASHVILLE ELECTRIC SERVICE DRAWING PSK-1528-A, BEING FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT BEING AN IRON PIN ON THE NORTHERN 40 FOOT RIGHT-OF-WAY OF ROBERTSON ACADEMY ROAD, SAID POINT BEING THE SOUTHEAST MOST CORNER OF THE HEREIN DESCRIBED PROPERTY; THENCE FOLLOWING SAID RIGHT-OF-WAY N 89 DEG. 59 MIN. 00 SEC. W 20.00 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY N 02 DEG. 15 MIN. 00 SEC. E 300.00 FEET TO AN IRON PIN; THENCE N 89 DEG. 59 MIN. 00 SEC. W 45.00 FEET TO AN IRON PIN; THENCE N 02 DEG. 15 MIN. 00 SEC. E 65.00 FEET TO AN IRON PIN; THENCE S 89 DEG. 59 MIN. 00 SEC. E 65.00 FEET TO AN IRON PIN MARKING THE COMMON CORNER OF PARCELS 71 AND 70.1 OF SAID DAVIDSON COUNTY TAX MAP; THENCE LEAVING SAID COMMON CORNER AND FOLLOWING THE EASTERLY MARGIN OF PARCEL 70.1 S 02 DEG. 15 MIN. 00 SEC. W 365.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 10,225 SQUARE FEET OR 0.23 ACRE, MORE OR LESS.
BEING THE SAME PROPERTY CONVEYED TO TIM R. SMITH AND WIFE, ROSITA SMITH BY DEED DATED AUGUST 28, 1996 FROM ODIE LEON MATNEY, UNMARRIED OF RECORD IN BOOK 10171, PAGE 767, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

This property is now or was formerly known as 840 ROBERTSON ACADEMY ROAD, NASHVILLE, TN 37220.

To have and to hold the aforesaid real estate, together with all improvements thereon, free from any equity of redemption, statutory right of redemption, spouse's 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.

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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 JUN 14 2013, 20___.

Rubin Lublin TN, PLLC

Printed Name: LISA F. CAPLAN
Title: Member

STATE OF GEORGIA)
COUNTY OF GWINNETT)

Before me, Najur Bowser, of the state and county aforesaid, personally appeared, LISA F. CAPLAN, 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 JUN 14 2013, 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 $535,500.00.

Affiant

Sworn to and subscribed JUN 14 2013
before me this ___ day of _____, 20___.

Notary Public

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

My commission expires: