BILL GARRETT, Davidson County
Trans:T20130057302 DEEDTRS
Recvd: 07/05/13 10:22 5 pgs
Fees:28.00 Taxes:164.62
20130705-0069598

# SUBSTITUTE TRUSTEE'S DEED

WHEREAS, under date of 24 October 2001, EMILY DAVIS executed a certain Trust Deed to Accurate Title & Escrow, Trustee for Bayrock Mortgage Corp. ("BMC"), for the purpose of securing the debt and obligations therein described, which Trust Deed is recorded as Instrument No. 20011112-0123818, in the Register's Office of Davidson County, Tennessee; and

WHEREAS, the Trust Deed, debt and obligations were assigned by BMC to Mortgage Electronic Registration Systems, Inc. and then to Household Financial Center, Inc., the latter by instrument recorded in said Register's Office as Instrument No. 20120328-0026392; and

WHEREAS, Household Financial Center, Inc., the holder and owner of the debt and obligations secured by said Trust Deed, having for reasons satisfactory to itself, under the provisions of said Trust Deed, by instrument recorded in said Register's Office as Instrument No. 20130411-0036153, named and appointed the undersigned as Trustee in the place and stead of Accurate Title & Escrow; and

WHEREAS, default was made in the payment of the debt and obligations secured by said Trust Deed and the undersigned, as Substitute Trustee, was requested to advertise and sell the property conveyed by said Trust Deed in compliance with the provisions thereof; and

WHEREAS, the undersigned, as Substitute Trustee, did, in compliance with the provisions of said Trust Deed, advertise for sale the property conveyed by same, the advertisement of sale having been published in The Tennessee Tribune/West Tennessee Examiner, a newspaper published and/or distributed in Davidson County, Tennessee in the issues of 23, 30, May, 6 June 2013 of said newspaper, said sale having been advertised for Thursday, 13 June 2013, commencing at 12:00 o'clock noon outside the door of the Register of Deed's Office, 501 Broadway, Nashville, Tennessee, at the Northwest entry of the Sommet Center at which time and place the property was offered for sale and sold; and

WHEREAS, the highest and best bid for said property was then and there made by James Roberts, to-wit: a bid of Forty-Four Thousand Four Hundred Ninety-One and 42/100 Dollars ($44,491.42) for said property, which bid was then and there accepted by the undersigned as Substitute Trustee.

NOW, THEREFORE, for the consideration named, and for and in consideration of the compliance with the terms of said bid, the undersigned, Richard J. Myers, as Substitute Trustee, has bargained and sold, and does by these presents bargain, sell and convey to the said James Roberts, the property advertised and sold as hereinabove recited, situated, lying and being in the County of Davidson, State of Tennessee, and more particularly described as follows:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 30 ON THE PLAN OF PRIMROSE MEADOWS, SECTION I, AS OF RECORD IN BOOK 4675, PAGE 18, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. BEING THE SAME PROPERTY CONVEYED TO EMILY D. DAVIS BY DEED DATED 8/18/99 FROM THOMAS V. LANIER JR., RECORD IN BOOK 11681, PAGE 605, REGISTER'S OFFICE, DAVIDSON COUNTY, TENNESSEE.

Property Address: 1221 Graycroft Avenue, Madison, TN 37115

TO HAVE AND TO HOLD, unto the said James Roberts, his successors and assigns, in fee simple forever.

PREPARED BY:
Richard J. Myers, Esq
APPERSON CRUMP PLC
6070 Poplar Avenue, Sixth Floor
Memphis, TN 38119
(901) 756-6300

RETURN TO:
James Roberts
201 Thompson Lane, Suite200
Nashville, TN 37211
(615) 207-9884

The undersigned Substitute Trustee believes the title hereby conveyed to be good, but warrants the same against the lawful claims of all persons claiming by, through, and under a conveyance from the undersigned as Substitute Trustee, under the provisions of the above-described Trust Deed, and not further or otherwise.

This sale is made subject to any and all outstanding unpaid real property taxes upon the property as of the date of the Substitute Trustee's sale described herein, and any and all other prior restrictions, encumbrances, or liens of any nature.

The § 35-5-117 notice of the right to foreclose was timely forwarded, a copy of which is attached as Exhibit 1.

The proceeds of this sale, the receipt of which the undersigned Substitute Trustee hereby acknowledges, have been applied as follows:

| | | |
|---|---|---|
| TOTAL BID | | $44,491.42 |
| Expenses: | | |
| Recording Substitution of Trustee | 12.00 | |
| Title Work | 450.00 | |
| Advertising Expenses | 395.00 | |
| Attorney Fee and Costs | 900.00 | |
| TOTAL EXPENSES | | 1,757.00 |
| BALANCE APPLIED TO THE MORTGAGE INDEBTEDNESS | | $42,734.42 |

WITNESS, the signature of the undersigned, Richard J. Myers, Substitute Trustee, this 17th day of June, 2013.

Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On this the 17th day of June, 2013, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Richard J. Myers, Substitute Trustee, to me known to be the person described, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office the day and year above written.

Tangela Pearson
Notary Public

My Commission Expires:
11-8-14

TANGELA PEARSON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Comm. Exp. 11-08-2014

PROPERTY ADDRESS:

1221 Graycroft Avenue
Madison, TN 37115

SEND TAX BILLS TO:
Responsible Taxpayer
James Roberts
201 Thompson Lane, Suite 200
Nashville, TN 37211
(615) 207-9884

**Owner/Grantee:** **James Roberts**
**201 Thompson Lane, Suite 200**
**Nashville, TN 37211**
**(615) 207-9884**

Tax Parcel No.: 03316005900

STATE OF TENNESSEE
COUNTY OF DAVIDSON
The actual consideration or true value, whichever is greater for this transfer is
$ 44,491.92
, Affiant
Subscribed and sworn before me this the
5 Day of July, 2013.
Brandi Vess, Deputy Register

_____, hereby swear or
a that, to the best of affiant's knowledge, information, and belief,
ctual consideration for this transfer or value of the property
ferred, whichever is greater, is $44,491.42, which amount is equal
greater than the amount which the property transferred would
nand at a fair and voluntary sale.

_____
ant

Subscribed and sworn to before me this _____ day of June, 2013.

_____
Notary Public

My Commission Expires:_____

# *APPERSON CRUMP*

*The Law in Memphis Since 1865*

APPERSON CRUMP PLC
6070 Poplar Avenue
Sixth Floor
Memphis, TN 38119-3954

(901) 756-6300 - Telephone
(901) 757-1296 - Facsimile
www.appersoncrump.com

18 March 2013

**VIA U.S. MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Ms. Emily Davis
1221 Graycroft Avenue
Madison, TN 37115

Certified Article Number
7196 9008 9111 9051 3716
SENDERS RECORD

Ms. Emily Davis
3900 Patton Hill Rd.
Nashville, TN 37207

Certified Article Number
7196 9008 9111 9051 3693
SENDERS RECORD

RE: Name of Borrower: Emily Davis
Address: 1221 Graycroft Avenue, Madison, TN 37115
Loan Account No.: 0004863668
Past Due Amount: $96,715.07 (through 14 March 2013)

Dear Ms. Davis:

Enclosed herewith is a NOTICE OF THE RIGHT TO FORECLOSE as required by Tennessee Code Annotated §35-5-117, which notice must be sent at least 60 days prior to publication of a foreclosure sale. Due to the above-referenced default, we intend to institute foreclosure proceedings 60 days after the date of this letter.

If you wish to discuss this matter, you should contact the person named in the enclosed notice.

This letter is an attempt to collect a debt and any information obtained will be used for that purpose. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you so request this office in writing within 30 days of receipt hereof, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Any payments or additional communications should be directed to this firm.

Cordially,

Richard J. Myers

RJM/vm
Enclosure

EXHIBIT
tabbies
1

## NOTICE OF THE RIGHT TO FORECLOSE

Date of Notice: **March 18, 2013**

The holder of the mortgage, deed of trust or other lien on your property has the right to begin the process of foreclosing on the debt and may sell your property at public auction to satisfy the debt at any time after sixty (60) days from the date of this notice of the right to foreclose for a period of twelve (12) months without sending you another notice of right to foreclose.

You should IMMEDIATELY contact the lender, servicer or creditor listed below to discuss repayment options for which you may qualify, or if none are available, foreclosure alternatives such as short sale or deed in lieu of foreclosure. Failure to satisfy your payment obligations may result in loss of your home.

Debt counseling may be available in your area. You can determine if debt counseling is available in your area and locate an approved counselor at the U.S. Department of Housing and Development (HUD) web site at www.HUD.gov.

You may also be eligible for certain Federal loan modifications programs. You should review your options under these programs immediately at the Department of Housing and Urban Development web site (www.HUD.gov) and or at other applicable websites and consult your lender. If you wish to participate in one of these programs, you must make timely application as required by the program. You should notify the lender, servicer or creditor of your interest in participating in one of these programs.

**YOU MUST ACT IMMEDIATELY IF YOU WISH TO TRY TO SAVE YOUR HOME.**

| | |
|---|---|
| Name of Creditor: | Household Financial Center, Inc. |
| Address of Creditor: | 2929 Walden, Depew, NY 14043 |
| Phone: 1-800-338-6441 | Fax: 732-352-7544 |
| Website and email address: | www.us.hsbc.com/1/2/3/personal/home-loans |
| Contact person: | Default Services |

Government Loan Modification Program Information: http://makinghomeaffordable.gov/