FILE NO.: BAC-13-03129

BILL GARRETT, Davidson County
Trans:T20130067143 DEEDTRS
Recvd: 08/06/13 08:03 3 pgs
Fees:18.00 Taxes:932.40
20130806-0081945

Prepared by and Return to:
Rubin Lublin TN, PLLC
119 S. Main Street, Suite 500
Memphis, TN 38103
BAC-13-03129

ADDRESSES NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP PARCEL NUMBER:
KEVIN DUKS	**KEVIN DUKS**	**155-16A/396.00CO**
213 WILLIAMSBURG CIRCLE BRENTWOOD, TN 37027	**213 WILLIAMSBURG CIRCLE BRENTWOOD, TN 37027**	

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by that certain Deed of Trust dated July 9, 2003 and recorded July 23, 2003, at **Instrument Number 20030723-0103004**, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), **LYNN D. JOHNSON and SCOTT A. JOHNSON** ("Borrower"), conveyed to ARNOLD M. WEISS, ATTORNEY, 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 July 9, 2003, (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 ARNOLD M. WEISS, ATTORNEY, said appointment being set forth in **Instrument Number 20130604-0056182** 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 July 25, 2013, at 10:00 AM at the Schermerhorn Symphony Center, One Symphony Place, Nashville, TN 37201, such advertisement appearing in said newspaper on June 20, 2013, June 27, 2013, July 4, 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 KEVIN DUKS at the price of **Two Hundred Fifty-Two Thousand and 00/100 ($252,000.00)** 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 **Two Hundred Fifty-Two Thousand and 00/100 ($252,000.00)** to me in hand paid, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto **KEVIN DUKS** ("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:

A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

SITUATE IN DAVIDSON COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 344 OF THE TRACESIDE PLANNED UNIT DEVELOPMENT, SECTION 11 AS SHOWN BY A MAP OF RECORD IN PLAT BOOK 11700 AT PAGES 59-61 AND INSTRUMENT NO. 200009220094253 IN THE DAVIDSON COUNTY, TENNESSEE REGISTER OF DEEDS OFFICE.

Being the same property conveyed to LYNN D. JOHNSON and SCOTT A. JOHNSON, herein by Deed of record in Instrument Number 20020528-0064006, in the Register's Office for Davidson County, Tennessee.

This property is now or was formerly known as 6405 HOLLY TRACE COURT, NASHVILLE, TN 37221.

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; **(7)** any right of redemption as provided for in 26 U.S.C. § 7425(d), which the Internal Revenue Service may have with respect to the Federal tax lien attached hereto, taking into account the fact that the Internal Revenue Service has been notified of the foreclosure sale pursuant to 26 U.S.C. § 7425(c); and **(8)** any other matters which an accurate survey of the Property might disclose.

FILE NO.: BAC-13-03129

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 on this ___ day of JUL 31 2013, 20___.

Rubin Lublin TN, PLLC

Victor Kang

Printed Name:

Title: Member

STATE OF GEORGIA)
COUNTY OF GWINNETT)

Before me, Jessica Cruell, of the state and county aforesaid, personally appeared, Victor Kang, 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 JUL 31 2013, 20___.

Notary Public

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

My commission expires:

STATE OF GEORGIA)
COUNTY OF GWINNETT)

The actual consideration or value, whichever is greater, for this transfer is $252,000.00.

Affiant

Sworn to and subscribed JUL 31 2013
before me this ___ day of _____, 20___.

Notary Public

My commission expires:

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