RECEIVED
DEC 04 2013
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY AT NASHVILLE, TENNESSEE

FEDERAL HOME LOAN MORTGAGE CORPORATION,

Plaintiff,

v.

WAYNE N. REMENY,

Defendant.

Case No: 12-0522-III

2013 DEC -5 AM 8:59

WAYNE N. REMENY

Third-Party Plaintiff,

v.

BANK OF AMERICA, NA,

Third-Party Defendants.

BILL GARRETT, Davidson County
Trans:T20130102342 ORDER
Recvd: 12/05/13 14:30 6 pgs
Fees:32.00 Taxes:0.00
20131205-0124117

AGREED FINAL ORDER SETTING ASIDE FORECLOSURE SALE AND DISMISSING REMAINING CLAIMS

As evidenced by the signature of counsel below, Defendant/Third-Party Plaintiff Wayne N. Remeny ("Remeny"), Plaintiff Federal Home Loan Mortgage Corporation ("Freddie Mac"), and Third-Party Defendant Bank of America, N.A. ("BANA") have agreed to compromise and settle all matters at issue in this action. Pursuant to the terms of the parties' settlement, they have agreed, among other things, that the foreclosure sale at issue in this case should be rescinded. In order to give effect and provide notice of pertinent parts of their agreement to third parties, the parties desire to recite such pertinent parts of their agreement herein so that this agreed final order may be recorded with the Register's Office of Davidson County, Tennessee. The parties have agreed as follows:

A. On November 6, 2007, Remeny obtained a loan from BANA in the amount of $103,100.00 (the "Loan"). As evidence of this indebtedness, Remeny executed a promissory note dated November 6, 2007 (the "Note").

B. By Deed of Trust dated November 6, 2007, and recorded on January 25, 2008 at Instrument Number 20080125-0007982 in the Register's Office for Davidson County, Tennessee (the "Deed of Trust"), Remeny conveyed to PRLAP, Inc., as trustee for BANA, the following described real property located at 3606 Pilcher Avenue, Nashville, Tennessee 37209, in Davidson County, Tennessee, to secure the payment of the Note:

> Situated in Nashville, Davidson County, State of Tennessee and being described as follows:
>
> ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE COUNTY OF DAVIDSON, AND STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:
>
> LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 4 ON THE MAP OF PENDERGRASS' SUBDIVISION OF LOTS NOS. 175 AND 176, IN WEST GROVE PLAN OF LOTS, OF RECORD IN BOOK 547, PAGE 185, DESCRIBED AS FOLLOWS:
>
> BEGINNING ON THE NORTHERLY MARGIN OF PILCHER AVENUE, 160 FEET WEST OF THE WESTERLY MARGIN OF PENDERGRASS AVENUE, FORMERLY 36TH AVENUE NORTH; THENCE WITH THE NORTHERLY MARGIN OF PILCHER AVENUE, WESTWARDLY 100 FEET TO THE EASTERLY MARGIN OF AN ALLEY; THENCE WITH SAID ALLEY NORTHWARDLY 75 FEET TO A TURN IN SAID ALLEY; THENCE WESTWARDLY 5 FEET; THENCE NORTHWARDLY 75 FEET TO THE SOUTHERLY MARGIN OF ANOTHER ALLEY; THENCE WITH THE SOUTHERLY MARGIN OF THE LAST MENTIONED ALLEY, EASTWARDLY 30 FEET TO THE CORNERS OF LOTS NOS. 3 AND 4; THENCE WITH THE LINE BETWEEN SAID TWO LOTS SOUTHWARDLY 147 FEET, MORE OR LESS, TO THE BEGINNING.
>
> Being that parcel of land conveyed to Wayne N. Remeny, unmarried from Edwin A. Groves and wife, Linda J. Groves by that deed dated 6/19/1995 and recorded 6/20/1995 in Deed Book 9706, at Page 313 of the Davidson County, TN Public Registry.
>
> Tax Map Reference: 104-01-0-252.00 (the "Property").

C. On November 16, 2007, Remeny obtained a second loan from BANA (the "HELOC") in the amount of $90,000, which was also secured by the Property. Remeny executed

a promissory note and a deed of trust in favor of BANA (the "HELOC DOT"), which was recorded at Instrument Number 20071204-0140416 in the Register's Office for Davidson County, Tennessee.

D. On June 16, 2011, the owner and holder of said Deed of Trust and Note recorded an Appointment of Substitute Trustee, evidencing the appointment of Rubin Lublin Suarez Serrano TN LLC as Substitute Trustee effective May 6, 2011, Instrument Number 20110705-0051054 in the Register's Office for Davidson County, Tennessee.

E. The holder of said Deed of Trust declared a default in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and requested the Substitute Trustee to, upon proper advertisement and notice, sell said Property at foreclosure under the terms and provisions of said Deed of Trust.

F. Pursuant to said request, on October 20, 2011, the Property was foreclosed and sold to the BANA, as evidenced by the Substitute Trustee's Deed recorded on November 9, 2011, at Instrument No. 20111109-0087682 in the Register's Office for Davidson County, Tennessee (the "Substitute Trustee's Deed"). BANA later assigned its winning bid on the Property to Freddie Mac.

G. The foreclosure sale was properly completed; however, it is the intention of the parties to reverse the foreclosure sale.

H. The parties have consented and agreed that the real estate records of Davidson County, Tennessee should be reformed by voiding the Substitute Trustee's Deed.

I. The parties have further consented and agreed that the Deed of Trust should be reinstated of record so that it has full force and effect as a first priority security interest on the Property.

J. The parties have further consented and agreed that the HELOC DOT should be reinstated of record so that it has full force and effect as a subordinate security interest on the Property, second only to the Deed of Trust.

K. The parties have consented and agreed that any other subordinate security interests and liens should be reinstated of record and restored to their respective interests as they existed prior to the foreclosure sale.

L. The parties have further consented and agreed that Remeny is declared the record title owner of the Property subject to the Deed of Trust and the HELOC DOT.

M. The parties agree that all claims of Remeny be dismissed with prejudice, and all claims of Freddie Mac be dismissed without prejudice.

N. The parties agree that the court costs in this matter should be taxed to BANA.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That the Davidson County, Tennessee real estate records are hereby reformed to reflect that the Substitute Trustee's Deed recorded on November 9, 2011, at Instrument No. 20111109-0087682 in the Register's Office for Davidson County, Tennessee is void, thus invalidating the foreclosure sale of the Property and returning the parties to their respective interests and positions as they existed prior to the foreclosure sale;

2. That the Deed of Trust, dated November 6, 2007, and recorded January 25, 2008 at Instrument Number 20080125-0007982 in the Register's Office for Davidson County, Tennessee is hereby reinstated of record so that it has full force and effect as a first priority security interest on the Property;

3. That the HELOC DOT, dated November 16, 2007, and recorded at Instrument Number 20071204-0140416 in the Register's Office for Davidson County, Tennessee, is hereby

reinstated of record so that it has full force and effect as a subordinate security interest on the Property, second only to the Deed of Trust;

4. That any other subordinate security interests and liens are hereby reinstated of record and restored to their respective interests as they existed prior to the foreclosure sale;

5. That Wayne Neal Remeny is declared the record title owner of the Property subject to the Deed of Trust and HELOC DOT;

6. That all claims of Remeny are hereby dismissed with prejudice;

7. That all claims of Freddie Mac are hereby dismissed without prejudice; and

8. That the court costs in this matter be taxed to BANA.

SO ORDERED, this ____ day of _____, 2013.

Ellen Hobbs Lyle

CHANCELLOR ELLEN HOBBS LYLE

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 5 DAY OF Dec 20 13
CRIST SCOTT, CLERK & MASTER
BY _____ DEPUTY

APPROVED FOR ENTRY BY:

J. Matthew Kroplin (BPR No. 27363)
STITES & HARBISON, PLLC
SunTrust Plaza
401 Commerce Street, Suite 800
Nashville, TN 37219
(615) 782-2200 (phone)
(615) 742-0705 (fax)
matthew.kroplin@stites.com

Counsel for Bank of America, N.A. and Federal Home Loan Mortgage Corporation

Kyle Mothershead w/permission

Kyle Mothershead (BPR No. 022593)
530 Church Street, Suite 701
Nashville, Tennessee 37219
(615) 239-0513
kyle@mothersheadlaw.com

Counsel for Wayne N. Remeny