(1)

THIS INSTRUMENT PREPARED BY:
India Samuels
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566

Return To
Vanderpool, Pearman, & Drumwright
256 Seaboard Lane, Suite G-104
Franklin, TN 37067

BILL GARRETT, Davidson County
Trans:T20130103932 DEEDTRS
Recvd: 12/12/13 11:44 6 pgs
Fees:33.00 Taxes:335.22
20131212-0125845

S&K:12-043189

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated August 7, 2009, recorded in Instrument No. 20090827-0080702, in the Register's Office of Davidson County, Tennessee, Marvin R. Smith, Jr., married man conveyed to Hugh M. Queener, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and,

WHEREAS, the undersigned was appointed as Substitute Trustee by Instrument of record in Instrument Number 20130913-0096740, in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the holder requested said Substitute Trustee to, upon proper advertisement and notice, sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS, pursuant to T.C.A. § 35-5-101 Notice of the Foreclosure Sale including the date, time, location, and terms of the sale was timely given by mailing a copy of the Notice of Sale by registered or certified mail, return receipt requested, to all parties entitled to said notice.

WHEREAS, in pursuance of said request, the said property was by the Substitute Trustee, advertised for sale in conformity with the terms and provisions of said Deed of Trust, by which advertisement the sale was appointed to be held on October 29, 2013, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, at 10:00 AM; and,

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which time the said property was struck off and sold to Groundhogs Real Estate, LLC, whose address is 5516 Maplesong Drive, Nashville, TN 37211, at and for the sum of $90,600.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, Groundhogs Real Estate, LLC, has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by Groundhogs Real Estate, LLC the sum of money so paid, receipt of which is hereby acknowledged, the undersigned, Shapiro & Kirsch, LLP, as Substitute Trustee, does hereby grant, bargain, sell and convey to the said Groundhogs Real Estate, LLC, its successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Hermitage, County of Davidson, State of Tennessee, to-wit:

Land in Davidson County, Tennessee, being Lot No. 8 on the plan of Lake Park, Section I, as of record in Book 4175, Pages 134 and 135, Register's Office for said County, and described as follows:

Beginning at a point on the southerly margin of Lake Parkway said point being the common point between Lot No. 8 and Lot No. 7; thence following the margin of Lake Parkway N 68 degrees 00' East 120.02 feet to a concrete monument and continuing in a 90 degree curve to a concrete monument at a point on the western margin of Lake Parkway Court; thence following the margin of Lake Parkway Court South 97.10 feet to a concrete monument and continuing along the margin of Lake Parkway Court 48.56 feet to a point; thence following the boundary between Lot No. 9 and Lot No. 8 West 134.16 feet to a concrete monument; thence following the common boundary between Lot No. 7 and Lot No. 8 North 150.00 feet to the point of beginning.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20090827-0080702, in the Register's Office of Davidson County, Tennessee.

The grantor received title to the above-captioned real estate by Deed of Trust of record in Instrument No. 20090827-0080702, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 20001018-0103277, in the Register's Office for Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements, State and Federal tax liens and any other matter of record. The Substitute Trustee does not warrant or guarantee any amounts of acreage that may be referenced in the legal description.

SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

12-043189 / STD
11/4/2013 9:37 AM

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Groundhogs Real Estate, LLC, its successors and assigns, in fee simple forever, to whom the said Shapiro & Kirsch, LLP, Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under it, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP, Substitute Trustee, has hereunto set its hand and seal this 5 day of November, 2013.

Shapiro & Kirsch, ~~LLP~~

By: _____

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 5th day of November, 2013, before me, a Notary Public, in and for said State and County, personally appeared Philip Brooks, with whom I am personally acquainted, and who, acknowledged himself/herself to be an authorized signatory of Shapiro & Kirsch, LLP, the within named bargainor, a limited liability partnership, and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Partnership.

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

TIFFANY EVERLY
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

MY COMMISSION EXPIRES
My commission expires: **DECEMBER 18, 2016**

_____
Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $90,600.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

_____
Affiant

Subscribed and sworn to before me on the date written above.

J. Carlton Drumwright
State of Tennessee Notary Public
Williamson County

10/2/17
My commission expires:

_____
Notary Public

PROPERTY ADDRESS: 4029 Lake Park Way, Hermitage, Tennessee 37076

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Groundhogs Real Estate, LLC
5516 Maplesong Drive, Nashville, TN 37211

S&K File #12-043189 / WNI
Map & Parcel -097 08 0 004.00

RETURN TO:

Vanderpool, Pearman, & Drumwright
256 Seaboard Lane, Suite G-104
Franklin, TN 37067

PREPARER'S NOTE: IT IS THE GRANTEE'S RESPONSIBILITY TO RECORD THIS INSTRUMENT. FAILURE TO DO SO MAY ADVERSELY AFFECT TITLE OR INTEREST.

0101679432

Affidavit of Publications

Newspaper: THE TENNESSEAN

State Of Tennessee

TEAR SHEET ATTACHED

Account Number: 529232

Advertiser: FORECLOSURE IN TN, A DIVISION

RE: 12-043189 - Marvin R. Smith

I, V Perry **Sales Assistant** for the above mentioned newspaper, hereby certify that the attached advertisement appeared in said newspaper on the following dates:

8/27/2013 9/3/2013 9/10/2013 V Perry

Subscribed and sworn to me this 13 day of Sept, 2013

Lela Bates

NOTARY PUBLIC

LELA BATES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 5/5/15

01034279433

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on October 29, 2013 at 10:00 AM local time at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by Marvin R. Smith, Jr., married man, to Hugh M. Queener, Trustee, as trustee for Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for Pinnacle National Bank on August 7, 2009 at Instrument No. 20090827-0080702; continued by Shapiro & Kirsch, LLP having been appointed Substitute or Successor Trustee, all of record in the Davidson County Register's Office. Default has occurred in the performance of the covenants, terms, and conditions of said Deed of Trust and the entire indebtedness has been declared due and payable.

Party Entitled to Enforce the Debt: Wells Fargo Bank, NA, its successors and assigns

The following real estate located in Davidson County, Tennessee, will be sold to the highest call bidder:

Land in Davidson County, Tennessee, being Lot No. 8 on the plan of Lake Park, Section 1, as of record in Book 4178, Pages 134 and 135, Register's Office for said County, and described as follows:

Beginning at a point on the southerly margin of Lake Parkway said point being the common point between Lot No. 6 and Lot No. 7; thence following the margin of Lake Parkway N 69 degrees 00' East 120.00 feet to a concrete monument and continuing in a 90 degree curve to a concrete monument at a point on the western margin of Lake Parkway Court; thence following the margin of Lake Parkway Court South 97.10 feet to a concrete monument and continuing along the margin of Lake Parkway Court 42.56 feet to a point; thence following the boundary between Lot No. 8 and Lot No. 9 West 134.16 feet to a concrete monument; thence following the common boundary between Lot No. 7 and Lot No. 8 North 150.60 feet to the point of beginning.

Street Address: 4029 Lake Park Way, Hermitage, Tennessee 37076

Parcel Number: 097 08 0 004.00

Current Owner(s) of Property: Marvin R. Smith, unmarried

The street address of the above described property is believed to be 4029 Lake Park Way, Hermitage, Tennessee 37076, but such address is not part of the legal description of the property sold herein and in the event of any discrepancy, the legal description herein shall control.

SALE IS SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

This sale is subject to all matters shown on any applicable recorded plat; any unpaid taxes; and any restrictive covenants, easements, or setback lines that may be applicable; any statutory right of redemption of any governmental agency, state or federal; any prior liens or encumbrances as well as any priority created by a fixture filing and to any matter that an accurate survey of the premises might disclose.

All right of dower of redemption, statutory and otherwise, and homestead are expressly waived in said Deed of Trust; and the title is believed to be good, but the undersigned will sell and convey only as Substitute Trustee.

The right is reserved to adjourn the day of the sale to another day, time, and place certain without further publication, upon announcement at the time and place for the sale set forth above. If the highest bidder cannot pay the bid within twenty-four (24) hours of the sale, the next highest bidder, at their highest bid, will be deemed the successful bidder.

This property is being sold with the express reservation that the sale is subject to confirmation by the lender or trustee. This sale may be rescinded by the Substitute Trustee at any time.

This office may be a debt collector. This may be an attempt to collect a debt and any information obtained may be used for that purpose.

Shapiro & Kirsch, LLP Substitute Trustee
www.kirschattorneys.com
Law Office of Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-5566
Fax (901)761-5090
File No. 12-043159

2

Department of Defense Manpower Data Center

Results as of : Oct-30-2013 05:57:48

SCRA 3.0

Status Report
Pursuant to Servicemembers Civil Relief Act

Last Name: SMITH

First Name: PATRICIA

Middle Name: C.

Active Duty Status As Of: Oct-30-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

Department of Defense Manpower Data Center

Results as of : Oct-30-2013 05:57:45

SCRA 3.0

Status Report
Pursuant to Servicemembers Civil Relief Act

Last Name: SMITH

First Name: MARVIN

Middle Name: R.

Active Duty Status As Of: Oct-30-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
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