PREPARED BY AND RETURN TO:
India Samuels
Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
Fax (901)761-5690

Davidson County DEEDTRS
Recvd: 01/03/14 08:12 8 pgs
Fees:42.00 Taxes:0.00
20140103-0000576

**S&K:13-051924**

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated May 24, 2007, recorded in Book xx, Page xx, Instrument No. 20070604-0065623, in the Register's Office of Davidson County, Tennessee, Robert Joel Budesa, a single person conveyed to Key Title & Escrow Services, Inc., 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 20131106-0115369, 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 December 10, 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 Wells Fargo Bank, N.A., whose address is Wells Fargo Bank, N.A., 3476 Stateview Blvd, MAC# X7801-013 (FC), Fort Mill, South Carolina 29715, at and for the sum of $138,519.00, that being the highest and best bid offered; and,

WHEREAS, the said Wells Fargo Bank, N.A. has assigned its interests in the said property to Federal Home Loan Mortgage Corporation, its successors and assigns; and,

WHEREAS, the purchaser, being the holder of the indebtedness 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 Wells Fargo Bank, N.A. 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 Federal Home Loan Mortgage Corporation, 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:

Being Lot No. 686 on the Plan of Hermitage Hills Subdivision, Section 7, as of record in Plat Book 3300, page 63, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description thereof.

Being the same property conveyed to Robert Joel Budesa by QuitClaim Deed from Christi Danette Budesa dated 4/22/04 and recorded on 4/23/04 of record in Instrument No. 20040423-0046142, Register's Office for Davidson County, Tennessee.

Also being the same property conveyed to Robert J. Budesa, an unmarried person by Warranty Deed from Thomas Alan Swartwood and wife, Deborah Swartwood dated 9/21/99 and recorded on 9/23/99 of record in Book 11672, page 108, Register's Office for Davidson County, Tennessee.

This legal description is identical with that in Deed of Trust recorded in Book xx, Page xx, Instrument No. 20070604-0065623, 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 Book xx, Page xx, Instrument No. 20070604-0065623, in the Register's Office of Davidson County, Tennessee.

The last deed of record is QuitClaim Deed recorded in Instrument Number 20040423-0046142, 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.

This conveyance is subject to the right of the State of Tennessee to redeem the land as provided for in T.C.A. 67-1-1433 (c) (1). Attached hereto is a copy of said notice and letter of compliance.

**SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.**

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 Federal Home Loan Mortgage Corporation, 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 13 day of December, 2013.

Shapiro & Kirsch, LLP

By: _____

**Ashley M. Jones**

Authorized Signatory

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 13 day of December, 2013, before me, a Notary Public, in and for said State and County, personally appeared Ashley Jones, 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.

MY COMMISSION EXPIRES
JANUARY 06, 2015

My commission expires:

Notary Public

TAMARA SCAGGS
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

**TAX EXEMPT TRANSACTION**
TCA CODE 67-4-409

**PROPERTY ADDRESS:** 312 Bonnavue Drive, Hermitage, Tennessee 37076

**PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:**
Federal Home Loan Mortgage Corporation
2839 Paces Ferry Road NW
Suite 700
Atlanta, Georgia 30339

**S&K File #13-051924**
**Map & Parcel -07505000300**

COST OF PUBLICATION

First Insertion [redacted]
Second Insertion
Third Insertion
Total

**SUBSTITUTE TRUSTEE'S SALE**

Sale at public auction will be on **December 18, 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 Robert Joel Budasa, a single person, to Key Title & Escrow Services Inc., Trustee, as trustee for Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for New Age Mortgage Company on May 24, 2007 of instrument No. 20070604-0066623; conducted 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, N.A., its successors and assigns

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

Described property located at Davidson County, Tennessee, to wit:

Being Lot No. 686 on the Plan of Hermitage Hills Subdivision, Section 7, as of record in Plat Book 3300, page 83, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description thereof.

Being the same property conveyed to Robert Joel Budasa by Quitclaim Deed from Christi Danette Budasa dated 4/22/04 and recorded on 4/23/04 of record in Instrument No. 20040423-0046142, Register's Office for Davidson County, Tennessee.

Also being the same property conveyed to Robert J. Budasa, an unmarried person by Warranty Deed from Thomas Alan Swartwood and wife, Deborah Swartwood dated 9/21/99 and recorded on 9/23/99 of record in Book 11672, page 108, Register's Office for Davidson County, Tennessee.

Street Address: 312 Bonnivue Drive, Hermitage, Tennessee 37076

Parcel Number: 07506000300

Current Owner(s) of Property: Robert Joel Budasa

Other interested parties: Fifth Third Bank, N.A. (Tennessee) and State of Tennessee

The street address of the above described property is believed to be 312 Bonnivue Drive, 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 future filing; and to any matters that an accurate survey of the premises might disclose. In addition, the following parties may claim an interest in the above-referenced property:

Fifth Third Bank, N.A. (Tennessee) and State of Tennessee

Notice required by § 67-1-1433(b)(1) of the Tennessee Code to be given to the state of Tennessee has been timely given. The sale of the land described above will be subject to the right of the state of Tennessee to redeem the land as provided for in § 67-1-1433(c)(1) of the Tennessee Code.)

**Terms of Sale will be public auction, for cash, free and clear of rights of homestead, redemption and dower, and the rights of Robert Joel Budasa, a single person, and those claiming through them, and subject to the right of redemption by the DEPARTMENT OF REVENUE, STATE OF TENNESSEE by reason of tax lien of record in Instrument Number 20100910-0073831 at the Register's Office of Davidson County, Tennessee, subject to any accrued taxes and restrictions.**

All right of equity 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 an announcement at the time and place for the sale set forth above. **If you purchase a property at the foreclosure sale, the entire purchase price is due and payable at the conclusion of the auction in the form of a certified/bank check. No personal checks will be accepted. To this end, you must bring sufficient funds to satisfy the lender and any other liabilities. Insufficient funds will not be accepted. Amounts received in excess of the winning bid will be refunded to the successful purchaser at the time the foreclosure deed is delivered.**

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
655 Perkins Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-6566
Fax (901)761-6600

File No. 13-061974
Nov. 1, 8, 15, 2013 R20616

**PROOF OF PUBLICATION**

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER, the Publisher of the NASHVILLE LEDGER, a weekly newspaper of general circulation printed in the State of Tennessee and distributed throughout Davidson, Williamson, Cheatham, Dickson, Wilson, Robertson, Rutherford, Sumner and Montgomery counties in Tennessee, states that the hereto attached publication appeared in the NASHVILLE LEDGER on the following dates:

**November 1, 2013**
**November 8, 2013**
**November 15, 2013**

**THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER**

By: _____
**Catron J. Kerr, Administrative Assistant**

STATE OF TENNESSEE

On this 15th day of **November 2013**, the individual above appeared before me, personally known (or proved to me on the basis of satisfactory evidence), who, being by me duly sworn did say that she is an authorized agent of the corporation (or association) of The Westview Newspaper, LLC, that the instrument was signed and sealed on behalf of the corporation (or association), by authority of its Board of Directors and **Catron Kerr** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

WITNESS my hand and Official Seal at office this **15th day of November 2013.**

_____
Notary Public

FIT

4

Department of Defense Manpower Data Center

Results as of : Dec-09-2013 05:01:38

SCRA 3.0

# Status Report
# Pursuant to Servicemembers Civil Relief Act

Last Name: BUDESA
First Name: ROBERT
Middle Name: JOEL
Active Duty Status As Of: Dec-09-2013

| 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

Gerald M. Shapiro
Admitted in Illinois & Florida
Joe M. Kirsch, Managing Partner
Admitted in Tennessee
Sharon N. Fewell, Managing Attorney
Admitted in Arkansas & Tennessee
Ashley M. Jones
Admitted in Arkansas & Tennessee
Bonnie B. Culp
Admitted in Tennessee
Robert Schneider
Admitted in Tennessee

# Shapiro and Kirsch, LLP
ATTORNEYS AT LAW

Matthew W. Graves
Admitted in Arkansas Federal Courts, Kentucky & Tennessee
Leigh Skorupa
Admitted in Tennessee
Philip Brooks
Admitted in Tennessee
Michael A. Dennis
Admitted in Mississippi & Tennessee
Bridget Cole
Admitted in Tennessee

**October 31, 2013**

CERTIFIED MAIL # 7196 9008 9111 1047 4622
RETURN RECEIPT REQUESTED

State of Tennessee
Commissioner of Revenue
Andrew Jackson State Office Building
Nashville, TN 37242-0002

RE: Property Address: 312 Bonnavue Drive, Hermitage, Tennessee 37076
Property Owner(s): Robert Joel Budesa
S&K # 13-051924

**Dear Sir:**

Pursuant to T.C.A. 67-1-1433 and applicable Tennessee statutes, as attorney for Wells Fargo Bank, N.A., I am submitting this as formal notice of the foreclosure proceedings of the above described real property.

The loan is held by Wells Fargo Bank, N.A. of record at Book xx, Page xx, Instrument No. 20070604-0065623 in Davidson, Tennessee.

The legal description of the property is:

Being Lot No. 686 on the Plan of Hermitage Hills Subdivision, Section 7, as of record in Plat Book 3300, page 63, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description thereof.

Being the same property conveyed to Robert Joel Budesa by QuitClaim Deed from Christi Danette Budesa dated 4/22/04 and recorded on 4/23/04 of record in Instrument No. 20040423-0046142, Register's Office for Davidson County, Tennessee.

Also being the same property conveyed to Robert J. Budesa, an unmarried person by Warranty Deed from Thomas Alan Swartwood and wife, Deborah Swartwood dated 9/21/99 and recorded on 9/23/99 of record in Book 11672, page 108, Register's Office for Davidson County, Tennessee.

Your Notice of Tax Lien was filed: Instrument No. 20100916-0073631

County: Davidson

Date: September 16, 2010

and has Account Number: 002 7785/0000

The foreclosure will be held for cash:

Place: Davidson County Courthouse
Date: December 10, 2013
Time: 10:00AM

The approximate amount of the principal obligation including interest is **$141,927.08.**

The approximate expenses will be:

| | |
|---|---|
| **Advertisement** | **$ 450.00** |
| **Attorney fee** | **$ 550.00** |
| **Recording** | **$ 32.00** |

Please advise immediately of any problems or objections. Also, please reference our file number on any correspondence returned to our office.

**Sincerely,**

**Joe M. Kirsch**

Encl.
cc: Wells Fargo Bank, N.A.

N0007501 1272448100908

# TENNESSEE DEPARTMENT OF REVENUE

## NOTICE OF STATE TAX LIEN

Pursuant to the provisions of T.C.A. 67-1-1401 et. seq. a lien exists in favor of the State of Tennessee. This lien exists on all property and all rights, title and interest in property acquired prior to or subsequent to the filing of this notice that belongs to the named taxpayer(s).

Notice is hereby given that there have been assessed taxes, penalty, and interest against the indicated taxpayer, which after demand for payment remain unpaid. The precise amount of the lien may be obtained from the State of Tennessee Tax Enforcement Division at (615) 741-7074.

***FOR DEPARTMENT OF REVENUE USE ONLY***

**TAXPAYER:**

ROBERT J BUDESA

D/B/A: ROBERT J BUDESA
4242 LEBANON PIKE
HERMITAGE TN 37076-1225

**ENTITY ID:**

002 [redacted]7785/000

002 [redacted]-7785

COUNTY: DAVIDSON

This instrument was prepared by the Tennessee Department of Revenue.

Witness my hand, at Nashville, Tennessee, on September 11, 2010.

**COMMISSIONER OF REVENUE**

By: William E Hooks
Delegate of Commissioner

***FOR REGISTER USE ONLY .... PRINT OR STAMP***

**BOOK NO** **PAGE NO.** **DATE** **TIME**

**REGISTER** BILL GARRETT, Davidson County
Trans:T20100058223 LIENSTL
Recvd: 09/15/10 08:27 1 pgs
Fees:12.00 Taxes:0.00
20100916-0073631

**BY:**_____

RV-N0007501

I, Oscie Bonner, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

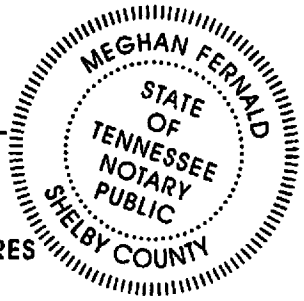
Oscie Bonner
Signature

State of Tennessee

County of Shelby

Personally appeared before me, Meghan Fernald, a notary public for this county and state, (Oscie Bonner) who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Meghan Fernald
Notary's Signature




MY COMMISSION EXPIRES OCTOBER 21, 2017

MY COMMISSION EXPIRES: _____

Notary's Seal (If on paper)

(3) All electronic documents eligible for registration pursuant to this subsection are validly registered when accepted for recording by the county register. Electric documents registered by county registers prior to July 1, 2007 shall be considered validly registered with or without the certification provided.

(4) No county register shall be required to accept document transmitted electronically.