IN THE CHANCERY COURT OF DAVIDSON COUNTY TENNESSEE
IN THE 20TH JUDICIAL DISTRICT

BILL GARRETT, Davidson County
Trans:T20140040142 ORDER
Recvd: 06/06/14 15:24 6 pgs
Fees:32.00 Taxes:0.00
20140606-0049599

RECEIVED
APR 15 2014
Dav. Co. Chancery Court

BANK OF AMERICA, N.A

Plaintiff,

v.

SLAVISA NINIC and MEKREMA SPAHIC

Defendants,

FO-2

IL ACTION FILE NO.: 14-168-II

FILED
2014 APR 22 AM 9:3
CLERK & MASTER
DAVIDSON CO. CHANCERY

CONSENT ORDER AS TO SLAVISA NINIC AND MEKREMA SPAHIC

WHEREAS, BANK OF AMERICA, N.A. (hereinafter, "BANA" or "Plaintiff"), Plaintiff, is the holder of a Deed of Trust from Slavisa Ninic (hereinafter, "Mr. Ninic") and Mekrema Spahic (hereinafter, "Ms. Spahic") recorded December 23, 2008 at Instrument No. 20081223-0122318, in the Register's Office for Davidson County, Tennessee (hereinafter, the "Deed of Trust"). The Deed of Trust secures and encumbers the real property located at 3432 Bridgeton Cove, Antioch, Davidson County, Tennessee 37013 ("the Property") according to the present system of numbering in said County and State, and is more particularly described as follows:

> ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE COUNTY OF DAVIDSON, STATE OF TENNESSEE, BEING KNOWN AS LOT NO. 66 ON THE PLAN OF CHATHAM POINTE, A PLANNED UNIT DEVELOPMENT, AS OF RECORD IN BOOK 6900, PAGES 444-447, REGISTER'S OFFICE FOR SAID COUNTY AND STATE, TO WHICH PLAN REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION THEREOF.

WHEREAS, on April 28, 2000, the Property was conveyed from the Secretary of Housing and Urban Development to Mr. Ninic and Ms. Spahic via that certain Cash Deed

for Tennessee recorded on May 12, 2000, at Instrument No. 200005120048164, in the Register's Office for Davidson County, Tennessee (hereinafter, the "Cash Deed"); and

WHEREAS, on December 15, 2008, Mr. Ninic and Ms. Spahic obtained a refinance loan on the Property for One Hundred Eighteen Thousand Four Hundred and 00/100 Dollars ($118,400.00) from Countrywide Bank, FSB (hereinafter, the "Loan"). As evidence of this indebtedness, Mr. Ninic and Ms. Spahic executed a promissory note dated December 15, 2008 (hereinafter, the "Note").

WHEREAS, to secure repayment of the Loan, Mr. Ninic and Ms. Spahic executed the Deed of Trust, conveying the Property to Robert M. Wilson Jr. as Trustee for Mortgage Electronic Registration Systems, Inc., as nominee for Countrywide Bank, FSB.

WHEREAS, on April 16, 2012, the Deed of Trust was assigned to Plaintiff via Assignment of Deed of Trust (hereinafter, the "Assignment"), which Assignment was recorded on April 20, 2012 at Instrument No. 20120420-0033959, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, on May 30, 2013, a Substitution of Trustee was executed appointing Rubin Lublin TN, PLLC as Substitute Trustee under the Deed of Trust (hereinafter, the "SOT"). The SOT was recorded on June 11, 2013 at Instrument No. 20130611-0059207, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, on August 8, 2013, the Property was foreclosed and Plaintiff was the highest bidder and successful purchaser at foreclosure sale. Plaintiff subsequently assigned its bid to Federal Home Loan Mortgage Corporation (hereinafter, "FHLMC"), and FHLMC acquired title to the Property via Substitute Trustee's Deed (the "Substitute

Trustee's Deed"). The Substitute Trustee's Deed was dated August 15, 2013 and recorded on September 20, 2013 at Instrument No. 20130920-0099308, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, on January 16, 2014, FHLMC conveyed the Property to Plaintiff via Quit Claim Deed (hereinafter, "Quit Claim Deed"). The Quit Claim Deed was recorded on February 3, 2014, at Instrument No. 20140203-0009547, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, Plaintiff, Mr. Ninic, and Ms. Spahic have consented and agreed that the Davidson County, Tennessee records should be reformed to reflect that the Substitute Trustee's Deed, recorded at Instrument No. 20130920-0099308, in the Register's Office for Davidson County, Tennessee, is void, thus rescinding the August 8, 2013 foreclosure sale; and

WHEREAS, Plaintiff, Mr. Ninic, and Ms. Spahic have further consented and agreed that the Deed of Trust, recorded at Instrument No. 20081223-0122318, in the Register's Office for Davidson County, Tennessee, should be reinstated as a valid, enforceable, first position lien against the Property; and

WHEREAS, Plaintiff, Mr. Ninic, and Ms. Spahic have further consented and agreed that any inferior liens should be reinstated of record in their respective positions as they existed prior to the foreclosure sale; and

WHEREAS, Plaintiff, Mr. Ninic, and Ms. Spahic have further consented and agreed that Mr. Ninic and Ms. Spahic should be declared the record title owners of the Property, in fee simple, including the same warranties of title afforded to them via Cash

Deed for Tennessee filed for record at Instrument No. 200005120048164, in the Register's Office for Davidson County, Tennessee, subject to the Deed of Trust and any inferior liens of record.

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED:

(a) That the Davidson County, Tennessee records are hereby reformed to reflect that the Substitute Trustee's Deed, recorded as Instrument No. 20130920-0099308, in the Register's office for Davidson County, Tennessee, is void, thus rescinding the August 8, 2013 foreclosure sale;

(b) That the Deed of Trust, recorded as Instrument No. 20081223-0122318, in the Register's Office for Davidson County, Tennessee, is hereby reinstated as a valid, enforceable, first position lien against the Property;

(c) That any inferior liens are hereby reinstated of record in their respective positions as they existed prior to the foreclosure sale;

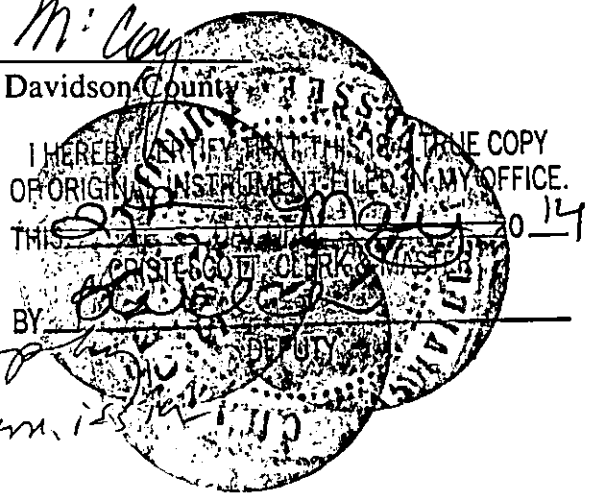
(d) That Slavisa Ninic and Mekrema Spahic are hereby declared the owners of the Property, in fee simple, including the same warranties of title afforded to them via Cash Deed for Tennessee filed for record at Instrument No. 200005120048164, in the Register's Office for Davidson County, Tennessee, subject to the Deed of Trust and any inferior liens of record; and

(e) That all court costs are taxed against Plaintiff.

SO ORDERED, this ____ day of _____, 20___.

Carol L McCoy

Chancellor, Chancery Court of Davidson County



Order prepared and presented by:

Joshua Hopkins by David J. Tarpley with permission

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