BILL GARRETT, Davidson County
Trans:T20140071147 DEEDTRS
Recvd: 09/23/14 11:56 6 pgs
Fees:33.00 Taxes:451.40
20140923-0087253

FILE NO.: 14-06237

THIS INSTRUMENT PREPARED BY AND RETURN TO:
BROCK & SCOTT, PLLC
277 MALLORY STATION ROAD
SUITE 115
FRANKLIN, TN 37067

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, Lee R Holmes and Phillip E Holmes a/k/a Phillip E. Holmes, Jr. conveyed to FMLS, Inc. as Trustee for the benefit of AmSouth Bank, the hereinafter described property for the purpose of securing payment of the indebtedness and performance of the obligations therein mentioned and set forth in a Deed of Trust dated December 16, 2004 and recorded on February 3, 2005 in Instrument No. 20050203-0012624, in the Office of the Register of Deeds of Davidson County, Tennessee, and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned to **E*TRADE**; and

WHEREAS, E*TRADE, being the holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record in Instrument 20140805-0070192 in the Office of the Register of Deeds of Davidson County, Tennessee; and

WHEREAS, default has been made in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and the holder of said Deed of Trust requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, if the original sale date was postponed, such sale was postponed in accordance with the provisions of T.C.A. 35-5-101(f), and all announcements and notifications were made as required therein, and

WHEREAS, at the time and place mentioned in referenced advertisement the undersigned's agent, offered said property for sale at public outcry at the Davidson Courthouse on September 2, 2014 at 10:00AM to the highest and best bidder for cash, at which sale E*Trade Bank, being the best, highest and last bidder, became the purchaser of said property at and for the sum of $122,000.00; and

WHEREAS, Federal Tax Lien(s) have been filed against the subject property in the Register's Office of Davidson County, Tennessee, in Instrument No. 20071101-0128737, Serial No. 400405907; in Instrument No. 20080324-0029109, Serial No. 430416108; in Instrument No. 20080403-0033560, Serial No. 432883808. Notice of the sale was given to the United States pursuant to 26 U.S.C. 7425(b) and a copy is attached hereto as Exhibit "A". The response of the United States is attached hereto as Exhibit "B". The property is subject to the right of the United States to redeem pursuant to 26 U.S.C. 7425(d)(1); and

WHEREAS, E*Trade Bank has complied with the terms of sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance of the purchase price being credited on the indebtedness secured by said Deed of Trust; and

NOW, THEREFORE, in consideration of the premises and of payment by E*Trade Bank as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, Brock & Scott,

PLLC, as Substitute Trustee, does hereby grant, bargain, sell and convey unto E*Trade Bank, its/his/her successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Land in Davidson County, Tennessee, being Lot No. 115 on the plan of Candlestick Farms Section One of record in Plat Book 3300, Page 56, Register's Office for a said county, to which reference is made for a more complete description.

Being the same property conveyed to P. Lee Ralston, now known as Lee R. Holmes, by deed of Record, from Craig Holland and Donna S. Holland, dated 04/24/1997, and recorded 04/29/1997, in the Register's Office of Davidson County, State of Tennessee, in Deed Book 10432, Page 938.

Property commonly known as: 5108 Greentree Drive, Nashville, TN 37211.

TO HAVE AND TO HOLD the property described above, together with the privileges, appurtenances, and hereditaments thereunto belonging or in any way appertaining unto the said E*Trade Bank, its/his/her successors and assigns forever, to whom the said, Brock & Scott, PLLC, as Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through or under it, as such Substitute Trustee, but not further or otherwise.

IN TESTIMONY WHEREOF, **Attorney January Taylor** of Brock & Scott, PLLC as Trustee, has hereunto set his hand, this 16th day of Sept, 2014.

Brock & Scott, PLLC

By: _____
Brock & Scott, PLLC
January Taylor
Substitute Trustee

STATE OF GEORGIA
COUNTY OF GWINNETT

Before me, a Notary Public in the State and County aforementioned personally appeared January Taylor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be an Attorney of Brock & Scott, the within named bargainor a PLLC, and that such person as such Attorney executed the forgoing instrument for the purpose therein contained by signing the name of the PLLC by such person as Attorney.

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

Amy L Rogers

Notary Public

AMY L ROGERS NOTARY PUBLIC GWINNETT CO., GEORGIA MY COMMISSION EXPIRES MARCH 17 2017

My Commission Expires: 3/17/17

STATE OF GEORGIA
COUNTY OF GWINNETT

I hereby swear or affirm that to the best of my knowledge, belief and information, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $122,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

January Taylor

Subscribed and sworn to before me on this 18th day of Sept, 2014

Amy L Rogers

Notary Public

AMY L ROGERS NOTARY PUBLIC GWINNETT CO., GEORGIA MY COMMISSION EXPIRES MARCH 17 2017

My Commission Expires: 3/17/17

Brock & Scott File No.: 14-06237
Property Address: 5108 Greentree Drive, Nashville, TN 37211
Tax Parcel I.D. No.: 147 14 0 014.00
Property Owner and Tax Notices:
E*Trade Bank
c/o Weltman, Weinberg & Reis Co. L.P.A.
525 Vine Street, Suite 800
Cincinnati, OH 45202

BROCK & SCOTT PLLC
277 Mallory Station Road, Suite 115
Franklin, TN 37067
PHONE 888-251-0331
FAX 615-550-8484

2014 AUG -6 PM 1:58
TECHNICAL SERVICES
NASHVILLE, TN

August 4, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Copy Via Regular Mail
Internal Revenue Service
Attention: Chief, Special Procedures Staff
District Director of Internal Revenue
801 Broadway, MDP53
Nashville, TN 37203

Re: NOTICE OF FORECLOSURE SALE

File No.	*14-06237*
Mortgagor(s):	*Lee R Holmes and Phillip E Holmes a/k/a Phillip E. Holmes, Jr.*
Property Address:	*5108 Greentree Drive Nashville, TN 37211*

Dear District Director:

Please be advised, I am writing to you in accordance with 26 U.S.C. 7425 that *E*TRADE* has instituted foreclosure proceedings against the above-referenced property. The sale is scheduled to take place on *September 2, 2014*. Enclosed is a copy of the Notice of Foreclosure Sale, which is being published in the *Davidson* County legal newspaper. The recording information for the Deed of Trust, as well as the terms of sale and additional information can be found in this notice.

The title search of the *Davidson* County records indicates that a federal tax lien has been filed against certain parties thought to be the owners of the subject property. As required we have enclosed a copy(ies) of the liens; said federal tax lien(s) is recorded in Instrument Number 20080324-0029109, Serial Number 430416108; Instrument Number 20080403-0033560, Serial Number 432883808; Instrument Number 20071101-0128737, Serial Number 400405907.

We are not certain that the parties named in the federal tax lien(s) are the same as the above-referenced borrower(s), or other predecessors in title. However, the names and social security numbers of the individual(s) against whom the above-referenced lien(s) are filed are as follows: *Phillip E Holmes, Jr.*, SSN(s) *XXX-XX-3834, and Lee R Holmes, SSN(s) XXX-XX-9009.*

The unpaid principal balance of the loan against the above-referenced property is approximately *$134,379.74*. Interest through the sale date is approximately *$11,870.39* (the per diem *$25.31*). Attorneys' fees and costs associated with the sale should be approximately *$2,500.00*.

Please return an acknowledged receipt of this notice on the enclosed duplicate letter and return in the enclosed self-addressed stamped envelope. If you should have any questions about this matter, please do not hesitate to contact this office.

Respectfully,
Brock & Scott, PLLC

Enclosures
cc: E*TRADE

14-06237

NOTICE OF FORECLOSURE SALE

STATE OF TENNESSEE, DAVIDSON COUNTY

WHEREAS, Lee R Holmes and Phillip E Holmes a/k/a Phillip E. Holmes, Jr. executed a Deed of Trust to AmSouth Bank, Lender and FMLS, Inc., Trustee(s), which was dated December 16, 2004 and recorded on February 3, 2005, Instrument No. 20050203-0012624, Davidson County, Tennessee Register of Deeds.

WHEREAS, default having been made in the payment of the debt(s) and obligation(s) thereby secured by the said Deed of Trust and the current holder of said Deed of Trust, E*TRADE, (the "Holder"), appointed the undersigned, Brock & Scott, PLLC, as Substitute Trustee, by an instrument duly recorded in the Office of the Register of Deeds of Davidson County, Tennessee, with all the rights, powers and privileges of the original Trustee named in said Deed of Trust; and

NOW, THEREFORE, notice is hereby given that the entire indebtedness has been declared due and payable as provided in said Deed of Trust by the Holder, and that as agent for the undersigned, Brock & Scott, PLLC, Substitute Trustee, by virtue of the power and authority vested in it, will on **September 2, 2014,** at **10:00AM** at the usual and customary location at the Davidson County Courthouse, Nashville, Tennessee, proceed to sell at public outcry to the highest and best bidder for cash, the following described property situated in Davidson County, Tennessee, to wit:

Land in Davidson County, Tennessee, being Lot No. 115 on the plan of Candlestick Farms Section One of record in Plat Book 3300, Page 56, Register's Office for a said county, to which reference is made for a more complete description.

Being the same property conveyed to P. Lee Ralston, now known as Lee R. Holmes, by deed of Record, from Craig Holland and Donna S. Holland, dated 04/24/1997, and recorded 04/29/1997, in the Register's Office of Davidson County, State of Tennessee, in Deed Book 10432, Page 938.

Parcel ID Number: **147 14 0 014.00**
Address/Description: ***5108 Greentree Drive, Nashville, TN 37211.***
Current Owner(s): ***P. Lee Ralston n/k/a Lee R. Holmes.***
Other Interested Party(ies): ***Melissa Renee Holmes; SunTrust Bank; and Internal Revenue Service.***

This sale is also subject to the right of redemption by the INTERNAL REVENUE SERVICE, DEPARTMENT OF THE U.S. TREASURY, pursuant to 26 U.S.C. 7425(d)(1) by reason of the following tax lien(s) of record in: Instrument Number 20080324-0029109, Serial Number 430416108; Instrument Number 20080403-0033560, Serial Number 432883808; Instrument Number 20071101-0128737, Serial Number 400405907. Notice of the sale has been given to the Internal Revenue Service in accordance with 26 U.S.C. 7425(b).

The sale of the property described above shall be subject to all matters shown on any recorded plat; any and all liens against said property for unpaid property taxes; any restrictive covenants, easements or set-back lines that may be applicable; any prior liens or encumbrances as well as any priority created by a fixture filing; a deed of trust; and any matter than an accurate survey of the premises might disclose; and

All right and equity of redemption, statutory or otherwise, homestead, and dower 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.

This office is attempting to collect a debt. Any information obtained will be used for that purpose.

Brock & Scott, PLLC, Substitute Trustee
c/o Tennessee Foreclosure Department
277 Mallory Station Road
Suite 115
Franklin, TN 37067
PH: 615-550-7697 FX: 615-550-8484
File No.: 14-06237