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Davidson County Chancery Court

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

CASE NO.: 14-1149-II

WILLIAM ADELSO LOPEZ and
SOFIA D. GARCIA,

Defendants.

FILED
2014 SEP 22 AM 11:57

CONSENT ORDER AND FINAL JUDGMENT AS TO WILLIAM ADELSO LOPEZ AND SOFIA D. GARCIA

WHEREAS, NATIONSTAR MORTGAGE LLC, (hereinafter, "Nationstar" or "Plaintiff"), is the holder of a Deed of Trust from William Adelso Lopez (hereinafter, "Mr. Lopez") and Sofia D. Garcia (hereinafter, "Ms. Garcia") to Gregg Murphy, as Trustee, filed for record on July 6, 2007 at Instrument No. 20070706-0080683, 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 1960 Port James Circle, Antioch, Davidson County, Tennessee 37013 (hereinafter, "the Property"), and being more particularly described as follows:

BEING LOT NUMBER 70, SECTION TWO, LAKEWOOD VILLAGE, OF RECORD IN INSTRUMENT NUMBER 20000215-0015148 (ERRONEOUSLY REFERRED TO AS INSTRUMENT NUMBER 200000215-0015148, IN QUITCLAIM DEED OF RECORD IN INSTRUMENT NO. 20050524-0058457), REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

BILL GARRETT, Davidson County
Trans:T20140089901 ORDER
Recvd: 12/01/14 15:01 6 pgs
Fees:32.00 Taxes:0.00
20141201-0110076

WHEREAS, on July 3, 2007, the Property was conveyed from Madelyn Mendez, formerly Madelyn Porto Siurano to Mr. Lopez and Ms. Garcia via that certain Warranty Deed recorded on July 6, 2007, at Instrument No. 20070706-0080682, in the Register's Office for Davidson County, Tennessee (hereinafter, the "Warranty Deed"); and

WHEREAS, to finance their purchase of the Property, Mr. Lopez and wife, Ms. Garcia obtained a loan for One Hundred Forty Four Thousand and 00/100 Dollars ($144,000.00) from American Home Mortgage (hereinafter, the "Loan"). As evidence of this indebtedness, Mr. Lopez and Ms. Garcia executed a promissory note dated July 3, 2007 (hereinafter, the "Note"); and

WHEREAS, to secure repayment of the Loan, on July 3, 2007, Mr. Lopez and Ms. Garcia executed the Deed of Trust; and

WHEREAS, the Deed of Trust was last assigned to Plaintiff on May 23, 2013 via that certain Assignment recorded on May 24, 2013, at Instrument No. 20130524-0052524, in the Register's Office for Davidson County, Tennessee (hereinafter, the "Assignment"); and

WHEREAS, on August 23, 2013, an Appointment of Substitute Trustee was executed appointing Rubin Lublin TN, PLLC (hereinafter, "Rubin Lublin") as Substitute Trustee under the Deed of Trust (hereinafter, the "SOT"). The SOT was recorded on September 13, 2013, at Instrument No. 20130913-0096643, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, Mr. Lopez and Ms. Garcia defaulted under the terms of the Note and Deed of Trust. As a result, Rubin Lublin initiated foreclosure proceedings; and

WHEREAS, on February 27, 2014, the Property was foreclosed and conveyed to Plaintiff via Substitute Trustee's Deed (hereinafter, the "Substitute Trustee's Deed"). The Substitute Trustee's Deed was recorded on March 21, 2014, at Instrument No. 20140321-0023369, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, Plaintiff, Mr. Lopez and Ms. Garcia 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. 20140321-0023369, in the Register's Office for Davidson County, Tennessee, is void, thus rescinding the February 27, 2014 foreclosure sale; and

WHEREAS, Plaintiff, Mr. Lopez and Ms. Garcia have further consented and agreed that the Deed of Trust recorded at Instrument No. 20070706-0080683, 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. Lopez and Ms. Garcia have further consented and agreed that all inferior liens should be reinstated of record in their respective positions as they existed prior to the foreclosure sale; and

WHEREAS, Plaintiff, Mr. Lopez and Ms. Garcia have further consented and agreed that Mr. Lopez and Ms. Garcia should be declared the owners of the Property, subject to the Deed of Trust and all 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 at Instrument No. 20140321-

0023369, in the Register's Office for Davidson County, Tennessee, is void, thus rescinding the February 27, 2014 foreclosure sale;

B. That the Deed of Trust recorded at Instrument No. 20070706-0080683, in the Register's Office for Davidson County, Tennessee, is hereby reinstated as a valid, enforceable, first position lien against the Property;

C. That all inferior liens are hereby reinstated of record in their respective positions as they existed prior to the foreclosure sale;

D. That William Adelso Lopez and Sofia D. Garcia are hereby declared the owners of the Property, subject to the Deed of Trust and all inferior liens of record; and

E. That all court costs are assessed to Plaintiff.

SO ORDERED, this ____ day of _____, 2014.

Carol L. McCoy

THE HONORABLE
Chancellor, Chancery Court for Davidson County

Order prepared and presented by:

Joshua R. Hopkins

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I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 6th DAY OF Oct 2014
KRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

CONSENTED TO:

William Adelso Lopez

STATE OF Tennessee
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public, in and for the state and County aforesaid, William Adelso Lopez, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this the 28 day of August, 2014.

Claire Abely
NOTARY PUBLIC

My Commission Expires: 3/7/2017

(SEAL)

CLAIRE ABELY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires March 7, 2017

CONSENTED TO:

Sofia D. Garcia

STATE OF Tennessee
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public, in and for the state and County aforesaid, Sofia D. Garcia, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS MY HAND, at office, this the 28 day of August, 2014.

Claire Abely
NOTARY PUBLIC

My Commission Expires: 3/7/17

(SEAL)

CLAIRE ABELY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires March 7, 2017

Copies to:

Peter L. Lublin
Rubin Lublin, TN PLLC
3740 Davinci Court, Suite 150
Peachtree Corners, Georgia 30092

William Adelso Lopez
Sofia D. Garcia
1960 Port James Circle
Antioch, Tennessee 37013