Bill Garrett Davidson County
Batch# 880 DEEDTRS
09/14/2017 12:59:01 PM 8 pgs
Fees: $43.00 Taxes: $736.30
20170914-0094065

This Instrument Prepared By:

David O. Huff, Esq.
Smythe Huff & Hayden, PC
1222 16th Avenue, South, Suite 301
Nashville, TN 37212
(615) 255-4849

SUCCESSOR TRUSTEE'S DEED

Address New Owner(s):	**Send Tax Bills To:**	**Map-Parcel Nos.**
Philip Hunter, *et al.* 529 Rivergate Parkway Goodlettsville, TN 37072	Philip Hunter, *et al.* c/o Madison Contractors, Inc. 529 Rivergate Parkway Goodlettsville, TN 37072	Map No. 41 Parcels 071; 092; 129; 139

I, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $199,000.00.

, SUCCESSOR TRUSTEE
Affiant

Subscribed and sworn to before me, this 13th day of September, 2017.

Notary Public

My Commission Expires: January 2, 2019

WHEREAS, by Deed of Trust dated December 28, 2007, of record in Instrument No. 20071231-0148928, Register's Office for Davidson County, Tennessee, Eddie R. Rhines and wife, Lisa Romeo Rhines, conveyed to Paul Duty, Trustee, the hereinafter described real property to secure the payment of a Promissory Note (the "Note") and other indebtedness as described in said Deed of Trust; and

WHEREAS, Paul Duty was unable to serve as Trustee under said Deed of Trust and Robert J. Notestine, III, was appointed as Successor Trustee pursuant to a certain Appointment of Successor Trustee, being of record in Instrument No. 20090826-0080399, Register's Office for Davidson County, Tennessee; and

WHEREAS, Robert J. Notestine, IIII, was unable to serve as Successor Trustee under said Deed of Trust, and David O. Huff was appointed as Successor Trustee in the place and stead of Robert J. Notestine, III, the original Successor Trustee, with all the powers, rights and duties of the Trustee and the original Successor Trustee under the said Deed of Trust, said Appointment of Successor Trustee being of record in Instrument No. 20170210-0014382, Register's Office for Davidson County, Tennessee; and

WHEREAS, default in the payment of the indebtedness secured by said Deed of Trust has been made, and the entire balance of which is due and payable in accordance with the terms of said Note and Deed of Trust, the owners and holders of said indebtedness, Rager Family Trust, Barbara J. Tittle, Robert D. Pyron, and Philip Hunter (collectively "the Holder"), directed the undersigned, Successor Trustee, to foreclose said Deed of Trust and to advertise and sell the real property in satisfaction of said debt and the cost of foreclosure, in accordance with the terms and provisions of the Note and Deed of Trust.

WHEREAS, in pursuance of said request of the Holder (the beneficiaries), the said property was advertised for sale in conformity with the terms and provisions of said Deed of Trust and such ad appeared in The Nashville Ledger on July 28, 2017, August 4, 2017, and August 11, 2017, and

WHEREAS, pursuant to the Notice of Sale, the foreclosure sale was appointed to be held on the 6th day of September, 2017, at the front (south) entrance of the Metropolitan Courthouse for Davidson County, Tennessee, One Public Square, Nashville, Tennessee 37201, at 11:00 a.m.; 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 sale, Rager Family Trust, Barbara J. Tittle, Robert D. Pyron, and Philip Hunter, being the highest and best bidder, became the purchaser of said property at and for the sum of One Hundred Ninety-Nine Thousand and no/100^{ths} Dollars ($199,000.00).

NOW, THEREFORE, in consideration of the premises, and the said purchase price bid and paid, undersigned, the Successor Trustee, does hereby grant, bargain, sell, transfer, and convey unto Rager Family Trust an undivided one-fifth (1/5th) interest (the said Rager Family Trust receiving this one-fifth (1/5th) share through the Last Will and Testament of Bobby Eugene Rager, which is of record in the Chancery Court (Probate Division) for Sumner County, Tennessee, Case No. 2016PR-111 (Will Book 2016, page 510)), to Barbara J. Tittle an undivided one-fifth (1/5th) interest, to Robert D. Pyron an undivided two-fifths (2/5ths) interest (the said Robert D. Pyron receiving a one-fifth (1/5th) share through the Last Will and Testament of Joe Pyron, which is of record in the Probate Court for Davidson County, Tennessee, Case No. 12P-634), and to Philip Hunter an undivided one-fifth (1/5th) interest, in the following real estate:

The property herein to be foreclosed is described as follows:

Certain real estate in Davidson County, Tennessee, to wit:

TRACT 1: Being a certain parcel of land situated in Davidson County, Tennessee, and being described according to a survey made by Hickerson-Miller, Engineers, dated March 4, 1960, as follows:

Beginning at a spike in the center of Brick Church Pike and an abandoned 30 foot roadway; thence with the center of said Pike, North 45 deg. 10 min. West 100 feet; North 41 deg. 59 min. West 200 feet; North 38 deg. 05 min. West 150 feet; North 36 deg. 00 min. West 100 feet; North 41 deg. 18 min. West 106 feet to a spike; thence leaving the Pike and along the centerline of a Road, North 75 deg. 37 min. East 375 feet to a hub in the center of an abandoned 30 foot roadway; thence with the center of said Road, South 0 deg. 14 min. West 295 feet to a hub; South 11 deg. 49 min. West 301.8 feet to the point of beginning, containing 2.1 acres, more or less.

INCLUDED in the above description but expressly EXCLUDED from this conveyance is the following described property:

Beginning at an iron pin in the easterly line of Brick Church Pike, said point being the southeast corner of the Hailey property, thence along said line of Brick Church Pike, N 41 deg. 59 min. W for 242.87 feet to an iron pin; thence N 83 deg. 52 min. 22 sec. E for 126.70 feet to an iron in the William Hailey line; thence along said William Hailey line, S 10 deg. 38 min. 50 sec. E for 197.46 feet to the point of beginning, containing 0.2863 acres, more or less, according to a copy of a survey made by Donald R. Carver, Surveyor.

Being the same property conveyed to William D. Hailey and wife, Judith C. Hailey by deed of record in Book 7258, page 665, said Register's Office.

INCLUDED in the above description, but further EXCLUDED from this conveyance is the following described property:

RIGHT-OF-WAY TAKE: Beginning at a point, said point being the northwestern most property corner of the aforementioned parcel and on the eastern most existing right-of-way line of Brick Church Pike; thence N 79 deg. 19 min. 36 sec. E for 3830 feet to a point; thence S 21 deg. 45 min. 18 sec. E for 70.74 feet to a point; thence S 25 deg. 06 min. 41 sec. W for 32.99 feet to a point on the eastern most existing right-of-way line of Brick Church Pike; thence with the existing right-of-way line N 32 deg. 24 min. 13 sec, W for 42.53 feet to a point; thence with the existing right-of-way line N 27 deg. 14 min. 14 sec. W for 59.14 feet to the point of beginning and containing therein an area of 2,807 square feet, more or less.

PUBLIC UTILITY AND DRAINAGE EASEMENT: Beginning at a point, said point being the intersection of the eastern most proposed right-of-way line for Brick Church Pike and the northern most property line; thence with said property line N 79 deg, 19 min. 36 sec. E for 95.00 feet to a point; thence leaving said property line S 73 deg, 27 min. 55 sec. E for 29.14 feet to a point; thence N 88 deg. 15 min, 22 sec, E for 38.09 feet to a point; thence S 00 deg. 15 min. 13 sec. W for 53.10 feet to a point; thence S 80 deg. 09 min. 18 sec. W for 134.90 feet to a point on the eastern most proposed right-of-way line; thence with the proposed right-of-way line N 21 deg. 45 min. 18 sec. W for 70.74 feet to the point of beginning and containing therein an area of 9,638 square feet, more or less.

Being the same property conveyed to Metropolitan Government of Nashville & Davidson County, Tennessee by Deed filed in Book 9556, page 349, said Register's Office.

BEING part of the same property conveyed to B. T. Properties, a partnership owned by Bobby E. Rager and Barbara J. Tittle by deed from Jerry A. Rittenberry and wife, and Joe D. Adams of record in Book 7012, page 281, said Register's Office. B. T. Properties having conveyed a one-fifth interest to James E. Rager by deed of record in Book 7258, page 656, said Register's Office; to Robert D. Pyron, Phillip Hunter and Joe Pyron by deed of record in Book 7258, page 659, said Register's Office and to Sam Sims by deed of record in Book 7258, page 662, said Register's Office, the heirs at law of Sam Sims having conveyed their one-fifth interest to Robert D, Pryon, Phillip Hunter and Joe Pyron by deed of record in Book 11596, page 842, said Register's Office.

TRACT 2: Beginning at an iron pin in the southerly margin of Old Hickory Boulevard, said point being the northwesterly corner of the property conveyed to grantors by deed from Joe L. Wall and Mike Suggs, of record in Book 6348, page 191, Register's office for Davidson County, Tennessee; thence with the southerly margin of Old Hickory Boulevard, S 85 deg. 59 min. 02 sec. E 206.70 feet; thence leaving Old Hickory Boulevard, S 4 deg. 00 min. 00 sec. E 165.81 feet to an iron pin; thence S 88 deg. 48 min. 43 sec. E 166.61 feet to a monument; thence S 20 deg. 58 min. 44 sec. W 436.48 feet to an iron pin, thence N 64 deg. 15 min, 00 sec. W 192.26 feet to an iron pin; thence N 86 deg. 31 min. 43 sec. W 138.68 feet to an iron pin at an oak tree; thence S 43 deg. 29 min. 30 sec. W 76.19 feet to an iron pin near a hackberry tree; thence N 81 deg. 11 min. 28 sec. W 320.45 feet to an iron pin in the line of the property owned by Bobby E. Rager; thence with Rager's easterly line, N 4 deg. 22 min. 00 sec. E 166.26 feet to an iron pin; thence N 4 deg. 22 min. 00 sec. E 10 feet to the bank of Whites Creek; thence with the bank of Whites Creek, N 48 deg. 06 min. 00 sec. E 197.24 feet to an iron pin; thence N 59 deg. 48 min. 54 sec. E 125 feet to an iron pin; thence leaving said creek bank, S 88 deg. 48 min. 43 sec. E 207.56 feet to an iron pin; thence N 4 deg. 00 min. 00 sec. W 175.95 feet to an iron pin in the southerly margin of Old Hickory Boulevard, the point of beginning and containing 7.00 acres, more or less, according to a copy of a survey made by Donald L. Carver, Surveyor, on April 30, 1987.

BEING the same property conveyed to Eddie R. Rhines and wife, Lisa Romeo Rhines, by Warranty Deed from Bobby E. Rager, Barbara J. Tittle, Robert D. Pryon, Phillip Hunter and Joe Pyron, of record as Instrument No. 20071231-148927, said Register's Office.

This is unimproved property located at Old Hickory Boulevard and Brick Church Pike, Nashville, Tennessee. The Davidson Tax Assessor lists the property as unimproved property with a street address of 0 Brick Church Pike, Nashville, Tennessee (Map & Parcel Nos. 041000071.00; 041000092.00; 041000129.00; and 041000139.00).

To have and to hold the same, together with all the hereditaments, improvements, buildings, easements, appurtenances and restrictive covenants therein and thereunto belonging and appertaining, in hand and without warranty of any kind and free from all right of homestead,

equity of redemption, statutory right of redemption, and all other rights and exemptions of every kind, including but not limited to a statutory right to an elective share in the property in the maker of said Deed of Trust, all of which were expressly waived by the terms of said Deed of Trust.

Pursuant to the Sale Notice, undersigned sent timely Notice of this foreclosure sale to the Internal Revenue Service as required by law. The Internal Revenue Service retains a right to redeem the property after sale, as provided by law. A copy of undersigned's advance letter notice of this sale and acknowledgments of receipt from this taxing authority is attached hereto as Exhibit A as required by law.

UNDERSIGNED, as Successor Trustee, does hereby transfer, assign, and set over unto Rager Family Trust, Barbara J. Tittle, Robert D. Pyron, and Philip Hunter, their successors and assigns, all of the covenants or warranties contained in the aforesaid Deed of Trust, and does hereby warrant the title to the aforesaid real estate as fully and completely as he is authorized to do as such Successor Trustee, but no further or otherwise. Undersigned makes no warranties as to condition, location or set back of improvements on the property. The property is subject to all easements or restrictions of record in the Davidson County, Tennessee, Register's Office. This conveyance is subject to such priority tax liens and prior encumbrances as may appear of record, as well as all ad valorem property taxes which may be of record or applicable to said property.

The designation of the parties to this instrument in either the plural or singular shall be applied to mean either number, and where appropriate in the context hereof, shall mean any one or more of said parties, and any pronoun used herein shall include the masculine, feminine and neuter genders.

IN WITNESS WHEREOF, undersigned has hereunto set his hand and seal, this 7th day of September, 2017.

SUCCESSOR TRUSTEE

David O. Huff, Successor Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Shelley L. Orr, a Notary Public in and for the said county and State, the within named bargainor, David O. Huff, Successor Trustee, with whom I am personally acquainted, (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purpose therein contained.

Witness my hand and official seal at office this 25th day of September, 2017.

Shelley L. Orr
Notary Public

My Commission Expires: January 3, 2019

COPY

DAVID M. SMYTHE
dsmythe@smythehuff.com

DAVID O. HUFF
dhuff@smythehuff.com

SMYTHE HUFF & HAYDEN PC

JUSTIN T. HAYDEN
jhayden@smythehuff.com

ATTORNEYS AT LAW
www.smythehuff.com

July 26, 2017

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND REGULAR U.S. MAIL

INTERNAL REVENUE SERVICE
ADVISORY
NASHVILLE TN 37203-3811

AUG 01 2017

RECEIVED
TIME

Internal Revenue Service
US Department of Treasury
District Director
Special Procedures Staff
801 Broadway MDP148
Nashville, TN 37203

RE: Rager Family Trust, *et al.* / Eddie R. Rhines and wife, Lisa Romeo Rhines
Successor Trustee's Notice of Sale
-- real property in Davidson County, Tennessee, located at Old Hickory Boulevard and Brick Church Pike, with a street address of 0 Brick Church Pike

To the Internal Revenue Service:

Pursuant to 26 U.S.C. § 6321 and 26 U.S.C. § 7425, *et. seq.*, I am hereby giving notice on behalf of Rager Family Trust, Barbara J. Tittle, Robert D. Pyron, and Philip Hunter (collectively "the Holder"), and Holder's successors and assigns, of the foreclosure sale of real property in which it appears the Internal Revenue Service has made claims of lien.

I am enclosing herewith copies of the following documents:

1. Successor Trustee's Notice of Sale for unimproved real property located at Old Hickory Boulevard and Brick Church Pike, Nashville, Tennessee, with a street address of 0 Brick Church Pike, Nashville, Tennessee (Map & Parcel Nos. 041000071.00; 041000092.00; 041000129.00; and 041000139.00), in which Holder holds the priority Deed of Trust of record in Instrument No. 20071231-0148928, Register's Office for Davidson County, Tennessee;

2. Holder's Deed of Trust of record in Instrument No. 20071231-0148928, said Register's Office;

Exhibit A

1222 16TH AVENUE SOUTH, SUITE 301, NASHVILLE, TENNESSEE 37212
Telephone: (615) 255-4849 - Facsimile: (615) 255-4855 - Toll Free: (877) 810-4849

Rec'd 8-3-17

3. Unreleased junior IRS Notice of Lien (Notice of Federal Tax Lien dated May 7, 2008, in the amount of $7,204.86 of record in Instrument No. 20080515-0050026, said Register's Office;

4. Unreleased junior judgment lien of Craig Cooper and James Dail Ogle, in the listed amount of $112,955.62, of record in Instrument No. 20090428-0038004, said Register's Office;

5. Unreleased junior judgment lien of Citizens National Bank, in the listed amount of $130,410.89, of record in Instrument No. 20090917-0086577, said Register's Office;

6. Unreleased junior judgment lien of Craig Cooper and James Dail Ogle, in the listed amount of $1,049.52, of record in Instrument No. 20091015-0095654, said Register's Office.

As indicated by the Notice of Sale, Eddie R. Rhines and wife, Lisa Romeo Rhines are now in default under the terms and provisions of the mortgage indebtedness to Holder and Holder intends to foreclose the real property described in the Deed of Trust and Notice of Sale on Wednesday, September 6, 2017, at 11:00 o'clock a.m., at the front (south) entrance of the Davidson County Courthouse, 1 Courthouse Square, Nashville, Tennessee, free from the owners' equitable or statutory rights of redemption in the Property.

There is due and owing under the terms and provisions of the Mortgage Note obligations to Holder a total sum in excess of $268,271.33 as of March 16, 2017, plus interest as well as all legal expenses and costs incurred in connection with the aforesaid Successor Trustee's Notice of Sale.

I have also enclosed a copy of this letter. Please stamp the date you received this letter on the copy and return to me in the enclosed envelope. If you require any further clarification of this Notice of Sale, please advise.

Sincerely,

David O. Huff

DOH:i
Enclosures
c: Mr. Philip Hunter