Karen Johnson Davidson County
Batch# 286467 DEEDTRS
09/16/2019 12:26:38 PM 6 pgs
Fees: $33.00 Taxes: $9,405.25
20190916-0093700

Prepared by and return to:
Mark E. Beutelschies
Farris Bobango Branan PLC
999 S. Shady Grove Rd, Suite 500
Memphis, TN 38120

# SUCCESSOR TRUSTEE'S DEED

WHEREAS, Pichoslap Development Company, LLC, a Tennessee limited liability company, executed a Deed of Trust dated October 27, 2017, to Michael B. Russell, as Trustee, for the benefit of Landmark Community Bank, a Tennessee Banking Corporation, of record in the Register's Office, Davidson County, Tennessee at Instrument No. 20171030-0111131; and

WHEREAS, Landmark Community Bank appointed Mark E. Beutelschies and/or Keith C. Dennen as Successor Trustees by that certain Appointment of Successor Trustee of record in said Register's Office at Instrument No. 20190805-0077007; and

WHEREAS, Landmark Community Bank, holder of the Note secured by the Deed of Trust (the "Note"), requested the undersigned to advertise and sell the property described in and conveyed by said Deed of Trust, all of said indebtedness having matured by default in the payment of a part thereof, at the option of the holder; and

WHEREAS, the Successor Trustees advertised the foreclosure sale in *The Nashville Ledger*, a daily newspaper of general circulation published in Davidson County, Tennessee, on August 9, August 16, and August 23, 2019, said sale being advertised for September 3, 2019, commencing at 12:00 p.m., at the Davidson County Register of Deeds in Nashville, Tennessee. A copy of the proof of publication is attached hereto as Exhibit A; and

WHEREAS, the highest and best bid was then and there made by Landmark Community Bank, to wit: a bid of $2,541,958.19, which bid was then and there accepted by the undersigned Successor Trustee; and

NOW, THEREFORE, for the consideration so named, and pursuant to the procedures set forth above and the provisions of the Deed of Trust, the undersigned, as Successor Trustee, has bargained and sold, and does by these presents hereby bargain, sell, convey and confirm unto Landmark Community Bank the property recited, situated, lying and being in Davidson County, State of Tennessee, as described on Exhibit B attached hereto.

TO HAVE AND TO HOLD the same unto the said Landmark Community Bank, and its successors and assigns, in fee simple forever, except that said sale is made subject to: any unpaid property taxes and assessments (plus penalties and interest, if any); subdivision restrictions, building lines and easements of record, if any.

The undersigned Successor Trustee believes the title hereby conveyed to be good, but warrants the same only against the lawful claims of all persons claiming by, through and under him, in his capacity as Trustee, under the provisions of the Deed of Trust, and not further or otherwise.

WITNESS the signature of the undersigned Successor Trustee, to be effective as of September 3, 2019

Keith C. Dennen

Keith C. Dennen, Successor Trustee

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

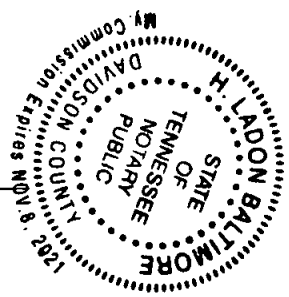
Before me, a Notary Public, in and for said State, duly commissioned and qualified, personally appeared Keith C. Dennen, Successor Trustee, to me known (or proved on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 4th day of September, 2019.

H. LADON BALTIMORE
Notary Public

My Commission Expires:

11/8/2021



STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

I, or we, hereby swear or affirm that to the best of my/our knowledge; information or belief, the actual consideration for this transfer or the value of the property transferred, whichever is greater, is $2,541,958.19, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

SUBSCRIBED AND SWORN to before me this 12th day of September, 2019.

JOSLYNNE BOX
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

Notary Public

My Commission Expires: 7-5-21

Parcel Number:
91-14-F001.00; 91-14-F002.00; 91-14-F003.00; 91-14-F004.00; 91-14-F005.00; 91-14-F006.00; 91-14-F007.00; 91-14-F008.00; 91-14-F009.00; 91-14-F010.00

Property Address:
227 Oceola Avenue
Nashville, TN 37209

Name/Address of New Owner
and Mail Tax Bills To:
Landmark Community Bank
Attention: Richard Exley
1000 Ridgeway Loop Road
Suite 103
Memphis, TN 38120

EXHIBIT A

(Attached Proof of Publication)

## COST OF PUBLICATION

| | |
|---|---|
| **First Insertion** | **$290.00** |
| **Second Insertion** | **290.00** |
| **Third Insertion** | **290.00** |
| **Total** | **$870.00** |

**NOTICE OF FORECLOSURE SALE**

Default has occurred in the payment of the debts and obligations secured to be paid by a **Deed of Trust** (the "Deed of Trust") dated October 27, 2017, by **Pichoslap Development Company, LLC** ("Pichoslap"), to Michael B. Russell, as Trustee, for the benefit of **Landmark Community Bank** ("Landmark"), of record in the Register of Deeds for Davidson County, Tennessee, at **Instrument No. 20171030-0111131**, to secure payment of a Promissory Note, executed by Pichoslap in the original principal amount of Two Million Nine Hundred Fifty Thousand and 00/100 Dollars ($2,950,000.00) in favor of Landmark. Landmark has appointed Mark E. Beutelschies and/or Keith C. Dennen as Successor Trustees under the Deed of Trust, by Appointment of Successor Trustee recorded in the Register of Deeds for Davidson County, Tennessee at **Instrument No. 20190805-0077007**, with all of the rights, powers and privileges of the original Trustee named in the Deed of Trust, as assigned. All of the indebtedness secured by the Deed of Trust has matured upon demand of the owner thereof.

This is to give notice that **Mark E. Beutelschies or Keith C. Dennen**, as Successor Trustees, or their agent(s), will on

**Tuesday, September 3, 2019**

commencing at **12:00 P.M.** at the Davidson County Register of Deeds in Nashville, Tennessee, proceed to sell at public outcry to the highest and best bidder for cash, the following described properties, to-wit:

Land in Davidson County, Tennessee, being Unit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, together with the appurtenant interest in the common elements of Alabaster West Townhomes, a horizontal property regime with private elements established by the Declaration in Instrument No. 20171009-0103163, Register's Office for Davidson County, Tennessee, said Unit being depicted on the Site Plan attached as Exhibit B to the aforementioned Declaration, and being located upon Lot No. 1 on the Plan of Joe Maxwell of record in Plat Book 6200, page 404, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Pichoslap Development Company, LLC, a Tennessee limited liability company, by deed dated January 19, 2017 from Martha Kay G. Pierce, married of record in Instrument No. 20170207-0012831, Register's Office for Davidson County, Tennessee.

Davidson County property taxes for the year 2018 are delinquent and are now due and payable.

As permitted by the Deed of Trust, this sale will also include all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, wells, ditches and water stock, crops, timber, all diversion payments or third party payments made to crop producers and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the above described real property.

The following information is believed to be correct but has not been verified:

**Property Address:** 227 Oceola Avenue, Nashville, Tennessee 37209

**Prior Deed Ref.:** Instrument No. 20170207-0012831, Instrument No. 20180920-0093304

**Borrower:** Pichoslap Development Company, LLC

**Record Owner:** TN New Development 2, LLC

**Other Interested Parties:** TN New Development 2, LLC; Custom Floors & Home Improvements, LLC; Vicente Mota and Mota Construction Company; R & S Flooring LLC; Bon Urban Properties

As permitted in the Deed of Trust, Landmark or its designee may purchase the property at the sale. The right is reserved to adjourn 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 sale shall be subject to: unpaid property taxes and assessments (plus penalties and interest); subdivision restrictions, building lines and easements of record (if any); and any prior liens or other prior encumbrances of record.

Appraisement, the equity of redemption, statutory right of redemption, homestead, curtesy, dower and all other exemptions are expressly waived in the Deed of Trust, and the title is believed to be good, but the undersigned will sell and convey only as Successor Trustee(s).

Mark E. Beutelschies and/or Keith C. Dennen
Successor Trustees

**For Information Please Contact:**
Mark E. Beutelschies/Keith C. Dennen
Farris Bobango Branan PLC
999 S. Shady Grove Road, Suite 500
Memphis, TN 38120
901-259-7100
Aug. 9, 16, 23, 2019 Fol44974

## PROOF OF PUBLICATION

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

**August 9, 2019**
**August 16, 2019**
**August 23, 2019**

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

**By:** Jamie Carpenter
**Jamie Carpenter, Administrative Assistant**

STATE OF TENNESSEE

On this **23rd** day of **August 2019**, 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 **Jamie Carpenter** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

This legal notice was published online at www.tnledger.com and www.publicnoticeads.com/tn for the duration of the run dates listed above. This publication fully complies with Tennessee Code Annotated – 1-3-120.

WITNESS my hand and Official Seal at office this **23rd** day of **August 2019**.

WHITNEY C. LOGAN
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SUMNER
MY COMM. EXP. JUNE 29, 2021

Notary Public

# EXHIBIT B

Land in Davidson County, Tennessee, being Unit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, together with the appurtenant interest in the common elements of Alabaster West Townhomes, a horizontal property regime with private elements established by the Declaration in Instrument No. 20171009-0103163, Register's Office for Davidson County, Tennessee, said Unit being depicted on the Site Plan attached as Exhibit B to the aforementioned Declaration, and being located upon Lot No. 1 on the Plan of Joe Maxwell of record in Plat Book 6200, page 404, Register's Office for Davidson County, Tennessee.