**NEW OWNER:**

LUDIE LOU HOLDINGS, LLC
1709 B 5th Ave. North
Nashville, TN 37208-2244

**SEND TAX BILL TO:**
New Owner

THIS INSTRUMENT PREPARED BY:

Rochelle, McCulloch & Aulds, PLLC
109 North Castle Heights Avenue
Lebanon, TN 37087

Map/Parcel 048-00-0-016.00

**SUBSTITUTE TRUSTEE'S DEED**

WHEREAS, Robert E. Higgins, Jr., executed a Deed of Trust to Randall Clemons, Trustee, dated November 1, 2016, of record at Instrument No. 20161109-0118709, Register's Office for Davidson County, Tennessee, to secure an indebtedness evidenced by a Promissory Note payable to the order of Wilson Bank & Trust, hereinafter referred to as the "Deed of Trust"; and

WHEREAS, said conveyance was made for the purpose of securing the payment of certain sums as evidenced by a Promissory Note payable to the order of Wilson Bank & Trust and a default having occurred in the payment of same; and,

WHEREAS, pursuant to the above default, the original Trustee has tendered his resignation, and by Appointment of Substitute Trustee, dated October 24, 2019, of record at Instrument No. 20191028-0110156, Register's Office for Davidson County, Tennessee, Wilson Bank & Trust did convey all of the rights, powers and privileges of the original Trustee as named in the Deed of Trust unto the undersigned, Gregory S. Gill, Substitute Trustee; and

WHEREAS, acting pursuant to the demand made by Wilson Bank & Trust, the owner and holder of the indebtedness, and acting pursuant to the power and authority vested in the Trustee under the Deed of Trust and the Appointment of Substitute Trustee, Gregory S. Gill, Substitute Trustee, duly advertised and sold the property hereinabove described at the corner of 6th Avenue South and Broadway (entrance to the Davidson County Register of Deeds located at the Bridgestone Arena) in Nashville, Davidson County, Tennessee, on December 10, 2019, at 3:45 p.m., local time, to the highest and best bidder for cash, at which sale the same was bid in and sold to LUDIE LOU HOLDINGS, LLC, and RXR LLC, as tenants in common, at and for the sum of Six Hundred Thirty-One Thousand, One Dollars and 00/100 ($631,001.00), the receipt

Karen Johnson Davidson County
Batch# 350087 DEEDTRS
01/29/2020 09:09:46 AM 10 pgs
Fees: $53.00 Taxes: $2,334.70



20200129-0010471

of which is hereby acknowledged.

NOW, THEREFORE, **GREGORY S. GILL, Substitute Trustee**, has this day bargained and sold, and by these presents does hereby transfer and convey unto **LUDIE LOU HOLDINGS, LLC,** a Tennessee limited liability company, and **RXR LLC**, a Georgia limited liability company, as tenants in common, their successors and assigns, forever, the following tract or parcel of land situated and lying in Davidson County, Tennessee, bounded and described as follows:

**Land located in DAVIDSON County, Tennessee, and being part of Lot 2 in the Division of the South portion of G. Henry Graves Tract, not of record, and described according to a survey of Richard B. Omohundro, dated August 11, 1973, as follows: Beginning at a point in the southwest margin of Clarksville Highway, the northeast corner of the herein described tract; thence leaving said highway, south 24 deg. 24 min. west 329.7 feet to a point; thence south 53 deg. 56 min. east 250 feet to a point in the west line of Lot 1; thence with the line between Lots 1 and 2, south 20 deg. 45 min. west 409.5 feet to a point, the center of Dry Fork Road; thence with center of said road, north 81 deg. west 45 feet to a point; thence leaving said road, north 61 deg. west 140 feet to a point; thence north 33 deg. 30 min. west 396 feet to a point; thence north 19 deg. west 239 feet to a point; thence north 29 deg. west 58 feet to a point; thence 44 deg. 45 min. east 115 feet to a point; thence north 10 deg. 45 min. west 375 feet to a point; thence north 36 deg. east 100 feet to a point in the southwest margin of Clarksville Highway; thence with said highway, south 51 deg. east 335 feet to a point; thence south 53 deg. east 100 feet ; thence south 54 deg. 30 min. east 120 feet to a point; thence south 55 deg. 15 min. east 75 feet to the point of beginning.**

**INCLUDED IN THE ABOVE DESCRIBED PROPERTY BUT EXPRESSLY EXCLUDED THEREFROM is the tract of land identified as Lot No. 1 of Dylan's Forest, containing 3.20 acres, more or less and as more particularly described in Plat Book 11190, Page 121, in the Register's Office for Davidson County, Tennessee.**

**Being the same property conveyed to Robert E. Higgins, Jr. by Quitclaim Deed from Minerva Realty Investments, LLC, a Tennessee limited liability company, dated November 1, 2016, of record at Instrument No. 20161109-0118705, Register's Office for Davidson County, Tennessee. For further reference see Instrument No. 20140723-0065480, said Register's Office. Reference is also made to Deed of Trust of record at Instrument No. 20161109-0118709 and Appointment of Substitute Trustee of record at Instrument No. 20191028-0110156, Register's Office for Davidson County, Tennessee.**

**The street address of this property is 4945 Clarksville Pike, Whites Creek, TN 37189. Map/Parcel 048-00-0-016.00**

TO HAVE AND TO HOLD said property, together with any and all appurtenances and improvements thereunto belonging, unto the said LUDIE LOU HOLDINGS, LLC and RXR LLC, their successors and assigns, in fee simple, forever.

I further transfer, assign and convey unto LUDIE LOU HOLDINGS, LLC and RXR LLC, their successors and assigns, all the rights and benefits of the covenants and warranties set forth in the aforesaid Deed of Trust executed to me as Substitute Trustee only, and not otherwise. It is the intention of the Substitute Trustee to convey no greater title to the subject real property than received as Substitute Trustee.

This conveyance is made subject to all matters shown on any applicable recorded Plat or Plan; any real property taxes which exist as a lien against said property, including without limitation city and county property taxes; any restrictive covenants, easements or setback lines that may be applicable; any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal; and any prior mortgages, liens or encumbrances that may exist against the property. This conveyance is also subject to any matter that an accurate survey of the premises might disclose and/or any tenant(s) rights in possession.

A copy of the Notice of Non-Judicial Sale to the State of Tennessee Department of Revenue Enforcement Consent to Sale issued by the State of Tennessee Department of Revenue pursuant to T.C.A. §67-1-1433(b)(2) is attached hereto as Collective Exhibit "A".

WITNESS MY SIGNATURE hereto this 27th day of January, 2020.

**GREGORY S. GILL**
**Substitute Trustee**

STATE OF TENNESSEE
COUNTY OF Wilson

Personally appeared before me, the undersigned, a Notary Public of the state and county aforesaid, the within named bargainor, **GREGORY S. GILL, Substitute Trustee**, 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 this 27th day of January, 2020.

TINA DYER
Notary Public

STATE OF TENNESSEE NOTARY PUBLIC WILSON COUNTY

My Commission Expires: 1/13/2021

**********

The actual consideration or value, whichever is greater, for this transfer is **631,001.00.**

Affiant

SWORN AND SUBSCRIBED to before me this 27th day of January, 2020.

Notary Public

My Commission Expires: 1/13/2021

TANYA DYER
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY

EXHIBIT "A"
NOTICE & CONSENT TO SALE

STATE OF TENNESSEE
DEPARTMENT OF REVENUE

**Pre-Sale Notice of Foreclosure**

November 12, 2019

Letter ID: L1658475264

GREGORY S GILL
RMA ATTORNEYS AT LAW
109 N CASTLE HEIGHTS AVE
LEBANON TN 37087-2738

Re:

Property Owned By: Robert E Higgins @ 4945 Clarksville Pike Whites Creek, TN 37189

Dear Gregory S Gill:

This is in response to your letter dated November 08, 2019 informing the Department of Revenue of a foreclosure sale of property owned by Robert E Higgins @ 4945 Clarksville Pike Whites Creek, TN 37189, that is scheduled to take place on December 10, 2019.

A sale of property on which the State has a tax lien is made subject to and without disturbing such tax lien unless otherwise provided by law. However, if the Department of Revenue is properly notified of the foreclosure sale at least 25 days prior to the sale, the State's tax lien does not remain after the sale. Tenn. Code Ann. Section 67-1-1433.

Your letter does provide adequate information regarding the proposed foreclosure sale.

If the sale produces more than the amount needed to satisfy the cost of sale, indebtedness indicated in your letter, and any other superior liens, the remaining proceeds from the sale not exceeding $497,107.00, the tax liability due as of December 10, 2019, must be remitted to the Department of Revenue. Please remit any excess proceeds to the Department of Revenue at the following address:

Tennessee Department of Revenue
Special Procedures Section
Post Office Box 190665
Nashville, Tennessee 37219-0665

Within 15 days from the sale, please furnish me with an accounting of the sale on the form enclosed with this letter, and, if all requirements have been satisfied, the Department of Revenue will release the State's tax lien on the property sold. If the scheduled sale is cancelled or postponed for any reason, notice must be submitted in writing if the sale is to be continued.

If you have any questions, please contact me at the number provided below.

Sincerely,

Santana Conner
(615) 253-5046
Special Procedures Section

Gregory S. Gill
Phone: (615) 443-8773
Email: ggill@rma-law.com

RMA
ATTORNEYS AT LAW
Rochelle, McCulloch & Aulds, PLLC

ATTORNEYS AT LAW

Jere N. McCulloch
(1973 – 2013)

Robert Rochelle
Jo Ann "Jody" Aulds
David B. Foutch
Alan Poindexter
Gregory S. Gill
T. Price Thompson III
Byron M. Gill
Jason G. Denton
Matthew H. Ryan
Tom Walsh
Debra L. Dishmon
Brett Rozell

**Via U.S. Mail and Certified Mail/Return Receipt**

November 8, 2019

Revenue Enforcement Division
Special Procedures Section
**Attn: Lien Desk**
P. O. Box 190665
Nashville, TN 37219-0665

**Re: Notice of Non-Judicial Sale**
**Property Owner: Robert E. Higgins**
**Property Address: 4945 Clarksville Pike, Whites Creek, TN 37189**

To Whom It May Concern:

In accordance with Tenn. Code Ann. § 67-1-1433(b) and the regulations issued pursuant thereto, we hereby submit the following Notice of Non-Judicial Sale.

Wilson Bank & Trust, the owner and holder of the indebtedness secured by lien of a Deed of Trust filed of record at Instrument No. 20161109-0118709, Register's Office for Davidson County, Tennessee has requested Gregory S. Gill, as Substitute Trustee under the above-mentioned Deed of Trust, to commence foreclosure proceedings under the power of sale contained in said Deed of Trust, default having been made in payment of the sum secured thereby. A copy of the Deed of Trust is enclosed for your reference.

1. This Notice of Sale is submitted by Gregory S. Gill, Attorney, Rochelle, McCulloch & Aulds, PLLC, 109 North Castle Heights Avenue, Lebanon, Tennessee 37087.

2. A copy of the Notice of State Tax Lien of record at Instrument No. 20181018-0103485, Register's Office for Davidson County, Tennessee, recorded on October 18, 2018, and which effects the property to be sold, is attached and made a part hereof.

3. The property to be sold is described as follows:

Land located in DAVIDSON County, Tennessee, and being part of Lot 2 in the Division of the South portion of G. Henry Graves Tract, not of record, and described

according to a survey of Richard B. Omohundro, dated August 11, 1973, as follows: Beginning at a point in the southwest margin of Clarksville Highway, the northeast corner of the herein described tract; thence leaving said highway, south 24 deg. 24 min. west 329.7 feet to a point; thence south 53 deg. 56 min. east 250 feet to a point in the west line of Lot 1; thence with the line between Lots 1 and 2, south 20 deg. 45 min. west 409.5 feet to a point, the center of Dry Fork Road; thence with center of said road, north 81 deg. west 45 feet to a point; thence leaving said road, north 61 deg. west 140 feet to a point; thence north 33 deg. 30 min. west 396 feet to a point; thence north 19 deg. west 239 feet to a point; thence north 29 deg. west 58 feet to a point; thence 44 deg. 45 min. east 115 feet to a point; thence north 10 deg. 45 min. west 375 feet to a point; thence north 36 deg. east 100 feet to a point in the southwest margin of Clarksville Highway; thence with said highway, south 51 deg. east 335 feet to a point; thence south 53 deg. east 100 feet ; thence south 54 deg. 30 min. east 120 feet to a point; thence south 55 deg. 15 min. east 75 feet to the point of beginning.

INCLUDED IN THE ABOVE DESCRIBED PROPERTY BUT EXPRESSLY EXCLUDED THEREFROM is the tract of land identified as Lot No. 1 of Dylan's Forest, containing 3.20 acres, more or less and as more particularly described in Plat Book 11190, Page 121, in the Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Robert E. Higgins, Jr. by Quitclaim Deed from Minerva Realty Investments, LLC, a Tennessee limited liability company, dated November 1, 2016, of record at Instrument No. 20161109-0118705, Register's Office for Davidson County, Tennessee. For further reference see Instrument No. 20140723-0065480, said Register's Office. Reference is also made to Deed of Trust of record at Instrument No. 20161109-0118709 and Appointment of Substitute Trustee of record at Instrument No. 20191028-0110156, Register's Office for Davidson County, Tennessee.

The street address of this property is 4945 Clarksville Pike, Whites Creek, TN 37189. Map/Parcel 048-00-0-016.00

4. Sale will be held on December 10, 2019, commencing at 3:45 p.m. at the corner of 6th Avenue South and Broadway (entrance to the Davidson County Register of Deeds located at the Bridgestone Arena) in Nashville, Tennessee. Terms of sale: Cash.

5. The approximate amount of the obligation owing to Wilson Bank & Trust is approximately $631,000.00, including accrued interest, late fees, and expenses. A title search of the real property revealed two (2) Deeds of Trust or judgment liens that would be superior to the State's lien. The original principal indebtedness secured by said Deed of Trust is $620,000.00. Other expenses to be charged against the proceeds of sale pursuant to the terms and provisions of

said Deeds of Trust include accrued interest, late fees, advertisement, title examination, transfer of taxes and recording fees, court costs, and attorney's fees.

6. I am also enclosing a copy of the Notice of Substitute Trustee's Sale (non-judicial Trustee's foreclosure) which discloses that said Notice will appear in the Davidson/Wilson newspaper on November 15, 2019, November 22, 2019, and November 29, 2019, with the sale date set for December 10, 2019, commencing at 3:45 p.m. at the corner of 6th Avenue South and Broadway (entrance to the office of the Davidson County Register of Deeds located at the Bridgestone Arena) in Nashville, Tennessee.

Sincerely,

ROCHELLE, McCULLOCH & AULDS, PLLC

Gregory S. Gill

GSG/kdc

Enclosures