Karen Johnson Davidson County
Batch# 566389 DEEDTRS
02/03/2021 10:10:30 AM 12 pgs
Fees: $63.00 Taxes: $395.40
20210203-0015351

PREPARED BY AND RETURN TO:
Mickel Law Firm, P.A.
222 2nd Avenue South, Suite 1700
Nashville, TN 37201
Phone: (615)514-0138

SUBSTITUTE TRUSTEE'S DEED

GRANTOR:

Mickel Law Firm, P.A., Substitute Trustee
222 2nd Avenue South, Suite 1700
Nashville, TN 37201
Phone: (615)514-0138

TO:

GRANTEE:

The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust

WHEREAS, by Deed of Trust dated June 23, 2006, and recorded as Instrument No.20061114-0140842 re-recorded on August 30, 2007 as Instrument No. 20070830-0104081, in the Register's Office of Davidson County, Tennessee, Raul S. Martinez and Josefina A. Martinez, conveyed to Craig R. Allen of Hamilton County, Tennessee, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the holder of the debt secured appointed the undersigned as Substitute Trustee by instrument of record, in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

Martinez, Raul S. and Josefina A.
MLF Case # 105957-1

WHEREAS, in pursuance of said request by said beneficiary, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of said Deed of Trust, by publication in a newspaper of general circulation in Davidson County, Tennessee such advertisement appearing in said newspaper on January 1, 2021, January 8, 2021, and January 15, 2021 by which advertisement the sale was appointed to be held on January 21, 2021, at the front entrance of the Davidson County Courthouse, Historic Davidson County Courthouse, 1 Public Square, Nashville, Tennessee, 37201, at or about 10:00 AM; and,

WHEREAS, pursuant to T.C.A. § 35-5-101 Notice of the Foreclosure Sale including the date, time, location, and terms of the sale was timely given by mailing a copy of the Notice of Sale by registered or certified mail, return receipt requested, to all parties entitled to said notice and following such notice the default was not cured.

WHEREAS, the Substitute Trustee has conducted a diligent search of the Defense Manpower Data Center (DMDC) website for each known Borrower in compliance with the Service Members Civil Relief Act, and as such the foreclosure of this property is not subject to the provisions of 50 U.S.C. § 501, et seq.; 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 time the said property was struck off and sold to The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust, at and for the sum of $106,865.71, that being the highest and best bid offered; and,

WHEREAS, the purchaser, being the holder of the indebtedness, has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust of the sum of money so paid, receipt of which is hereby acknowledged, the undersigned Mickel Law Firm, P.A., as Substitute Trustee, has GRANTED, BARGAINED, SOLD, QUITCLAIMED, and CONVEYED, AS IS, and by these presents DOES GRANT, BARGAIN, SELL, QUITCLAIM AND CONVEY, AS IS unto the said The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust, and unto his/her/its successors and assigns forever, the following described property situated in Davidson County, Tennessee, to wit:

A tract of land lying in the __ C.D. of Davidson County, Tennessee and being Lot No. 1 of the Raul Martinez Minor Subdivision, Containing 5 acres +/-.

Being a portion of the same property conveyed to Raul S. Martinez and Josefina A Martinez by deed dated Oct. 31, 2002 as Instrument Number 20021108-0138206 in the Register`s Office of Davidson County, TN and then by deed dated April 15th 2006 as

Instrument Number 20060419-0044951 in the Register`s Office of Davidson County. Quitclaim deed dated April 15th, 2006 was completed to correct a conflict from the original Warranty deed of 2002.

Being more particularly described as:

PROPERTY DESCRIPTION
A TRACT OF LAND IN THE THIRTY-FIFTH COUNCILMANIC DISTRICT OF DAVIDSON COUNTY, CITY OF PEGRAM, TENNESSEE. BEING A PORTION OF PARCEL 16.00 ON DAVIDSON COUNTY TAX MAP NUMBER 99, LYING ALONG THE SOUTHERLY MARGIN OF OLD POND CREEK ROAD, AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO A SURVEY PREPARED BY JAMES TERRY & ASSOCIATES, DATED AUGUST 11, 2006, JOB NUMBER 2006-048 AND PROCEEDING AS FOLLOWS:

BEGINNING AT AN IRON ROD (OLD) IN THE CENTERLINE OF OLD POND CREEK ROAD AT THE SOUTHEASTERLY PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO JOHN R. RADFORD ETUX AS OF RECORD IN DEED BOOK 9576, PAGE 74, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; SAID IRON ROD ALSO BEING SITUATED IN THE WESTERLY PROPERTY LINE OF A TRACT OF LAND CONVEYED TO BOBBY F. WEBB AS OF RECORD IN DEED BOOK 11355, PAGE 700 (DEED TRACT IV), SAID REGISTER`S OFFICE; THENCE,

1. WITH THE WESTERLY PROPERTY LINE OF SAID BOBBY F. WEBB, IN PART, SOUTH 00 DEGREES 55 MINUTES 25 SECONDS WEST, 595.33 FEET TO AN EXISTING METAL T-POST IN THE NORTHERLY PROPERTY LINE OF A TRACT OF I.AND CONVEYED TO PAMELA MARIE WHITE BUSH ET Al. AS OF RECORD IN INSTRUMENT NO. 20050317-0029507, REGISTER`S OFFIGE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

2. WITH THE NORTHERLY PROPERTY LINE OF SAID PAMELA MARIE WHITE BUSH ET AL., IN PART, SOUTH 88 DEGREES 49 MINUTES 36 SECONDS WEST, 350.89 FEET TO AN IRON ROD (NEW) IN THE DAVIDSON/CHEATHAM COUNTY LINE; THENCE,

3. LEAVING SAID NORTHERLY PROPERTY LINE, AND WITH A NEW SEVERANCE LINE THROUGH WHICH THIS TRACT IS A PART OF, BEING WITH THE DAVIDSON/CHEATHAM COUNTY LINE, NORTH 04 DEGREES 16 MINUTES

16 SECONDS EAST, 740.32 FEET TO AN IRON ROD (NEW) IN THE CENTERLINE OF THE AFOREMENTIONED OLD POND CREEK ROAD; SAID IRON ROD ALSO BEING IN THE SOUTHERLY PROPERTY LINE OF THE AFOREMENTIONED JOHN R. RADFORD ETUX PROPERTY; THENCE,
4. WITH THE CENTERLINE OF OLD POND CREEK ROAD, AND THE SOUTHERLY
PROPERTY LINE OF SAID JOHN R. RADFORD ETUX PROPERTY, SOUTH 61 DEGREES
33 MINUTES 26 SECONDS EAST, 166.99 FEET TO A POINT; THENCE,

5, SOUTH 70 DEGREES 26 MINUTES 25 SECONDS EAST, 168.15 FEET TO THE POINT
OF BEGINNING AND CONTAINING 218,642 SQUARE FEET OR 5.019 ACRES, MORE
- OR LESS, AS CALCULATED BY THE ABOVE COURSES AND DISTANCES.

THE ABOVE-DESCRIBED TRACT IS SUBJECT TO AN EASEMENT FOR ROADWAY PURPOSES FOR OLD POND CREEK ROAD AS SHOWN HEREON.

PROPERTY TITLE REFERENCE
BEING A PORTION OF THE SAME PROPERTY CONVEYED TO RAUL S. MARTINEZ AND WIFE, JOSEFINA A. MARTINEZ AS OF RECORD IN INSTRUMENT NO. 20021108-0138206, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

Parcel ID: 100 00 0 090.00

More Commonly Known As: 8375 Old Pond Creek Rd, Peagram, TN 37143.

Raul S. Martinez and Josefina A. Martinez, (HIS/HERS/THEIR) HEIRS AND ASSIGNS, obtained title to the above referenced real estate by Deed of record recorded November 14, 2006 as Instrument No. 20061114-0140841 in the Register's Office of Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements, State and Federal tax liens and any other matter of record. The Substitute Trustee does not warrant or guarantee any amounts of acreage that may be referenced in the legal description.

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any ways appertaining unto The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust, his successors and assigns, in fee simple forever, to whom the said Mickel Law Firm, P.A., Substitute Trustee, warrants

the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

Whenever used, the singular number shall include the plural, the plural the singular, the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the said Mickel Law Firm, P.A., Substitute Trustee, on the 29 day of January 2021 has hereunto set his hand and seal.

Mickel Law Firm, P.A.

By: _____
James H. Swindle, Jr. (TN Bar No. 035733)

STATE OF TENNESSEE)
)**ACKNOWLEDGMENT**
COUNTY OF Pulaski)

Before me, the undersigned Notary Public of the state and county aforesaid, personally appeared James H. Swindle, Jr., who acknowledged himself to be an authorized signatory of Mickel Law Firm, P.A., the within bargainor, and that as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by personally signing for Mickel Law Firm, P.A. on the day and date therein mentioned.

WITNESS MY SIGNATURE and seal of office this 29 day of January, 2021.

_____
Notary Public

My Commission Expires:
03/07/2029

LAUREN BONGFELDT
Notary Public-Arkansas
Faulkner County
My Commission Expires 03-07-2029
Commission # 12707061

Martinez, Raul S. and Josefina A.
MLF Case # 105957-1

I, or we, hereby swear and affirm that to the best of affiant's knowledge, information, and belief, that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $106,865.71, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

STATE OF ARKANSAS)

)**ACKNOWLEDGMENT**

COUNTY OF Pulaski)

Subscribed and sworn to before me on the date written above.

Notary Public

My Commission Expires:

03/07/2029

LAUREN BONGFELDT
Notary Public-Arkansas
Faulkner County
My Commission Expires 03-07-2029
Commission # 12707061

PROPERTY OWNER OR AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
Shellpoint Mortgage Servicing
55 Beattie Place
Suite 100
Greenville, SC 29601-2743

EXHIBIT "A"

ATTACH as exhibits, a copy of the notice provided to the United States, a copy of the written response of the United States to the notice provided, if any.

AND

M

MICKEL LAW FIRM, P.A.
222 2ND AVENUE SOUTH, SUITE 1700
NASHVILLE, TN 37201
PHONE: (615)514-0138 FAX: (501)664-0631
www.mickellaw.com

December 31, 2020

THIS NOTICE AND ITS CONTENTS HAVE BEEN SENT BY FIRST-CLASS MAIL AND BYCERTIFIED MAIL, RETURN RECEIPT REQUESTED

RE: 8375 Old Pond Creek Rd, Peagram, TN 37143
Borrower(s): Raul S Martinez and Josefina A. Martinez

This firm has been retained by **The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2010-1 Trust** to proceed with a foreclosure of the referenced property. A Substitute Trustee's Sale of this property has been scheduled for **January 21, 2021 at or about 10:00 AM** in accordance with the enclosed Notice of Substitute Trustee's Sale. A determination has been made that you may have some interest in or claim against the Property. *Any interest you may claim in the subject property will be extinguished as a consequence of the upcoming foreclosure.* Please carefully read the Notice of Substitute Trustee's Sale as it affects the real property (the "Property") located at 8375 Old Pond Creek Rd, Peagram, TN 37143. You are hereby given formal notice of the following:

1. The loan secured by the Property is in default.

2. If you have any questions, you may contact this firm. *HOWEVER, THIS LAW FIRM CANNOT GIVE YOU ANY LEGAL ADVICE.*

3. IF YOU DO NOT TAKE IMMEDIATE ACTION, YOU MAY LOSE YOUR INTEREST IN THE ABOVE PROPERTY.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. NO PERSON IN THIS OFFICE WILL GIVE YOU ANY LEGAL ADVICE.

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TENNESSEE, DAVIDSON COUNTY

THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION GATHERED IN CONNECTION HEREWITH WILL BE UTILIZED FOR THAT PURPOSE.

WHEREAS, default has occurred in the performance of the covenants, terms and conditions of a Deed of Trust Note dated June 23, 2006, and the Deed of Trust of even date, securing said Deed of Trust Note recorded on November 14, 2006 as Instrument No. 20061114-0140842 and re-recorded on August 30, 2007 as Instrument No. 20070830-0104081, in the Register's office of Davidson County, Tennessee, executed by Raul S. Martinez and Josefina A. Martinez, conveying certain property described therein to Craig R. Allen of Hamilton County, Tennessee, as Trustee, for the benefit of Jim Walter Homes, Inc. (the "Holder") and to Mickel Law Firm, P.A., having been appointed as Substitute Trustee by instrument of record in the Register's office for Davidson County, Tennessee.

WHEREAS, the owner and holder of the Deed of Trust Note has declared the entire indebtedness due and payable and demanded that the hereinafter described real property be advertised and sold in satisfaction of indebtedness and costs of foreclosure in accordance with the terms and provisions of the Deed of Trust Note and Deed of Trust.

NOW, THEREFORE, notice is hereby given that an agent of Mickel Law Firm, P.A., as Substitute Trustee, pursuant to the power, duty and authority vested in and conferred upon said Substitute Trustee, by the Deed of Trust, will on **Thursday, January 21, 2021, at or about 10:00 AM** at the front entrance of the Historic Davidson County Courthouse, 1 Public Square, Nashville, Tennessee, 37201, or the sale will be held in the place at said venue where foreclosure sales are customarily advertised and/or conducted, offer for sale to the highest bidder for cash, and free from all legal, equitable and statutory rights of redemption, exemptions of homestead, rights by virtue of marriage, and all other exemptions of every kind, all of which have been waived in the Deed of Trust, certain real property located in Davidson County, Tennessee, described as follows:

A tract of land lying in the __ C.D. of Davidson County, Tennessee and being Lot No. 1 of the Raul Martinez Minor Subdivision, Containing 5 acres +/-.

Being a portion of the same property conveyed to Raul S. Martinez and Josefina A Martinez by deed dated Oct. 31, 2002 as Instrument Number 20021108-0138206 in the Register`s Office of Davidson County, TN and then by deed dated April 15th 2006 as Instrument Number 20060419-0044951 in the Register`s Office of Davidson County. Quitclaim deed dated April 15th 2006 was completed to correct a conflict from the original Warranty deed of 2002.

Being more particularly described as:

202102030015351

PROPERTY DESCRIPTION
A TRACT OF LAND IN THE THIRTY-FIFTH COUNCILMANIC DISTRICT OF DAVIDSON COUNTY, CITY OF PEGRAM, TENNESSEE. BEING A PORTION OF PARCEL 16.00 ON DAVIDSON COUNTY TAX MAP NUMBER 99, LYING ALONG THE SOUTHERLY MARGIN OF OLD POND CREEK ROAD, AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO A SURVEY PREPARED BY JAMES TERRY & ASSOCIATES, DATED AUGUST 11, 2006, JOB NUMBER 2006-048 AND PROCEEDING AS FOLLOWS:

BEGINNING AT AN IRON ROD (OLD) IN THE CENTERLINE OF OLD POND CREEK ROAD AT THE SOUTHEASTERLY PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO JOHN R. RADFORD ETUX AS OF RECORD IN DEED BOOK 9576, PAGE 74, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; SAID IRON ROD ALSO BEING SITUATED IN THE WESTERLY PROPERTY LINE OF A TRACT OF LAND CONVEYED TO BOBBY F. WEBB AS OF RECORD IN DEED BOOK 11355, PAGE 700 (DEED TRACT IV), SAID REGISTER`S OFFICE; THENCE,

1. WITH THE WESTERLY PROPERTY LINE OF SAID BOBBY F. WEBB, IN PART, SOUTH 00 DEGREES 55 MINUTES 25 SECONDS WEST, 595.33 FEET TO AN EXISTING METAL T-POST IN THE NORTHERLY PROPERTY LINE OF A TRACT OF I.AND CONVEYED TO PAMELA MARIE WHITE BUSH ET Al. AS OF RECORD IN INSTRUMENT NO. 20050317-0029507, REGISTER`S OFFIGE FOR DAVIDSON COUNTY, TENNESSEE; THENCE

2. WITH THE NORTHERLY PROPERTY LINE OF SAID PAMELA MARIE WHITE BUSH ET AL., IN PART, SOUTH 88 DEGREES 49 MINUTES 36 SECONDS WEST, 350.89 FEET TO AN IRON ROD (NEW) IN THE DAVIDSON/CHEATHAM COUNTY LINE; THENCE,

3. LEAVING SAID NORTHERLY PROPERTY LINE, AND WITH A NEW SEVERANCE LINE THROUGH WHICH THIS TRACT IS A PART OF, BEING WITH THE DAVIDSON/CHEATHAM COUNTY LINE, NORTH 04 DEGREES 16 MINUTES 16 SECONDS EAST, 740.32 FEET TO AN IRON ROD (NEW) IN THE CENTERLINE OF THE AFOREMENTIONED OLD POND CREEK ROAD; SAID IRON ROD ALSO BEING IN THE SOUTHERLY PROPERTY LINE OF THE AFOREMENTIONED JOHN R. RADFORD ETUX PROPERTY; THENCE,

4. WITH THE CENTERLINE OF OLD POND CREEK ROAD, AND THE SOUTHERLY PROPERTY LINE OF SAID JOHN R. RADFORD ETUX PROPERTY, SOUTH 61 DEGREES 33 MINUTES 26 SECONDS EAST, 166.99 FEET TO A POINT; THENCE,

5, SOUTH 70 DEGREES 26 MINUTES 25 SECONDS EAST, 168.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 218,642 SQUARE FEET OR 5.019 ACRES, MORE - OR LESS, AS CALCULATED BY THE ABOVE COURSES AND DISTANCES.

THE ABOVE-DESCRIBED TRACT IS SUBJECT TO AN EASEMENT FOR ROADWAY PURPOSES FOR OLD POND CREEK ROAD AS SHOWN HEREON.

PROPERTY TITLE REFERENCE
BEING A PORTION OF THE SAME PROPERTY CONVEYED TO RAUL S. MARTINEZ AND WIFE, JOSEFINA A. MARTINEZ AS OF RECORD IN INSTRUMENT NO. 20021108-0138206, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

More Commonly Known As: 8375 Old Pond Creek Rd, Peagram, TN 37143.

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.

The sale is subject to Occupants(s) rights in possession, if applicable.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the purchase price. The Purchaser shall have no further recourse against the Grantor, the Grantee or the Substitute Trustee.

To the best of the Trustee's knowledge, information, and belief, there are no Federal or State tax lien claimants or other claimants upon the subject property which would require notice pursuant to the terms and provision of T.C.A. § 35-5-104, T.C.A. § 67-1-1433 or 26 U.S.C. § 7425.

If a high bidder fails to close a sale, the Substitute Trustee shall have the option of making the sale to the next highest bidder. The sale held pursuant to this Notice may be rescinded at the Substitute Trustee's option at any time.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) to final confirmation and audit of the status of the loan with the holder of the Deed of Trust. This property is being sold "as is." Additionally, no representation as to the condition of any structure(s) thereon or the accuracy of the above legal description is being or has been made. Transfer taxes and recording fees are the responsibility of the purchaser.

The following individuals or entities have an interest in the above-described property: Raul S Martinez, Josefina A. Martinez, Tenants of 8375 Old Pond Creek Rd, Peagram, TN 37143, Tennessee Quick Cash, Inc., The Surgical Clinic, PLLC.

DATED this 16th day of December, 2020.

Stephen P. Lowman
TN Bar No. 038269
MICKEL LAW FIRM, P.A., SUBSTITUTE TRUSTEE
222 2ND AVENUE SOUTH, SUITE 1700
NASHVILLE, TN 37201
PHONE: (615)514-0138
FAX: (501)664-0631
File No. 105957-1

INSERTION DATES:
January 1, 2021; January 8, 2021; January 15, 2021

True Copy Certification

I. Crystal Kile, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Crystal Kile
Signature

State of Arkansas

County of Pulaski

Personally appeared before me. *Heather Powers* . a notary public for this county and state. *Crystal Kile* who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

My Commission Expires: 11/06/22
Notary' Seal (if on paper)

HEATHER POWERS
Notary Public-Arkansas
Pulaski County
My Commission Expires 11-06-2022
Commission # 12390663