Name and address of new owner:
Mitch Kinder Development, LLC
6219 Bridlewood Lane
Brentwood, TN 37027

Send Tax Bills:
Mitch Kinder Development, LLC
6219 Bridlewood Lane
Brentwood, TN 37027

Karen Johnson Davidson County
Batch# 1073880 DEEDTRS
11/21/2023 08:36:03 AM 4 pgs
Fees: $23.00 Taxes: $3,117.81
20231121-0090391

Prepared by:
David G. Mangum
Attorney at Law
2303 8th Avenue South
Nashville, TN 37204

MAP/GROUP/PARCEL: 069-12-0B-001.00 & 069-0B-002.00

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, under a Deed of Trust dated September 29, 2021, of record at Instrument No.: **20211014-0138097** and an Assignment of Rents of record at Instrument No.: **20211014-0138098** in the Register's Office of Davidson County, Tennessee, **Courtney, LLC**, a Tennessee limited liability company, conveyed to William W. Burton, Trustee, the hereinafter described property to secure the therein mentioned indebtedness to BD Capital SE, LLC; and,

WHEREAS, said Deed of Trust was most recently assigned to M&T Bank by Instrument No.: **20230306-0016060** said Register's Office;

WHEREAS, by instrument recorded at Instrument No.: **20231016-0081136** said Register's Office, the lawful owner and holder of the indebtedness described in and secured by the aforementioned Deed of Trust, nominated and appointed David G. Mangum as Substitute Trustee; and

WHEREAS, default having been made in the terms, conditions, and payments made and provided for in said Deed of Trust, and the lawful owner and holder of said indebtedness having declared the entire debt and interest due and payable; and

WHEREAS, the lawful owner and holder of said indebtedness having requested David G. Mangum, Substitute Trustee, to sell said property in satisfaction of the indebtedness; and

WHEREAS, I, David G. Mangum, Substitute Trustee, did give 21 days notice of the time, place and terms of the sale by an advertisement in three weekly publications in the *Davidson AM* section of the *Tennessean*, a newspaper published in Davidson County, Tennessee, said advertisement appearing in the editions of said newspaper under the dates of October 27, 2023, November 3, 2023 and November 10, 2023 stating that on **Friday, November 17, 2023 at 12:00 pm (Noon)** in the hallway just outside the Davidson County Register of Deeds Office located inside the Bridgestone Arena, 501 Broadway, Nashville, Tennessee said property hereinafter described would be sold to the best and highest bidder for cash at public outcry, free from the equity of redemption, homestead, dower, and all other exemptions which are expressly waived in said Deed of Trust, but subject to any and all unpaid real estate taxes; and

WHEREAS, I, David G. Mangum, Substitute Trustee, did comply with Tennessee Code Annotated, Section 35-5-101, and as amended by Title 35-5-117, House Bill 3588, enacted by the General Assembly of the State of Tennessee on April 12, 2010 and effective on or after July 1, 2010 in regards to "owner-occupied" property.

WHEREAS, on said date at the time and place stated in said advertisement, and on said terms, I, David G. Mangum, Substitute Trustee, offered said property for sale at public outcry and sold

said property to **Mitch Kinder Development, LLC**, its successors and assigns for **$842,650.00**, which amount was the highest, best, and last bid.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE SUM of the highest, best, and last bid, as set out above, cash in hand paid, the receipt of which is hereby acknowledged, I, **David G. Mangum, Substitute Trustee**, do hereby bargain and sell, and by these presents transfer and convey unto the said **Mitch Kinder Development, LLC**, (hereinafter referred to as Grantee), its successors and assigns, the following described property, to wit:

Tract #1:
A certain townhome located in Davidson County, Tennessee, being Unit No. A of 2108 Courtney Avenue Townhomes, a Horizontal Property Regime with Private Elements, a Townhome Development established pursuant to the provision of the Tennessee Horizontal Property Act as the same is set out in Section 66-27-101, et seq. of the Tennessee Code Annotated, under the Declaration of Covenants, Conditions and Restrictions establishing 2108 Courtney Avenue Townhomes, a Horizontal Property Regime of record in Instrument No.: 20210224-0022761 and as amended by instrument of record as Instrument No.: 20210915-0123913 and Instrument No.: 20220131-0010977 in the Register's Office for Davidson County, Tennessee, and subject to the provisions and requirements thereof, and the By-Laws for the administration thereof, and all easements, rights and interest in favor of other unit owners, and all sewer, water electrical, telephone, and other utility easements, now or hereinafter established over, through or upon the land embracing the regime and buildings thereof, said Unit being depicted on Exhibit "B" to said Declaration; together with a percentage interest in the common elements as set for in said Declaration.

Tract #2:
A certain townhome located in Davidson County, Tennessee, being Unit No. B of 2108 Courtney Avenue Townhomes, a Horizontal Property Regime with Private Elements, a Townhome Development established pursuant to the provision of the Tennessee Horizontal Property Act as the same is set out in Section 66-27-101, et seq. of the Tennessee Code Annotated, under the Declaration of Covenants, Conditions and Restrictions establishing 2108 Courtney Avenue Townhomes, a Horizontal Property Regime of record in Instrument No.: 20210224-0022761 and as amended by instrument of record as Instrument No.: 20210915-0123913 and Instrument No.: 20220131-0010977 in the Register's Office for Davidson County, Tennessee, and subject to the provisions and requirements thereof, and the By-Laws for the administration thereof, and all easements, rights and interest in favor of other unit owners, and all sewer, water electrical, telephone, and other utility easements, now or hereinafter established over, through or upon the land embracing the regime and buildings thereof, said Unit being depicted on Exhibit "B" to said Declaration; together with a percentage interest in the common elements as set for in said Declaration.

Tract #3:
A certain townhome located in Davidson County, Tennessee, being Unit No. C of 2108 Courtney Avenue Townhomes, a Horizontal Property Regime with Private Elements, a Townhome Development established pursuant to the provision of the Tennessee Horizontal Property Act as the same is set out in Section 66-27-101, et seq. of the Tennessee Code Annotated, under the Declaration of Covenants, Conditions and Restrictions establishing 2108 Courtney Avenue Townhomes, a Horizontal Property Regime of record in Instrument No.: 20210224-0022761 and as amended by instrument of record as Instrument No.: 20210915-0123913 and Instrument No.: 20220131-0010977 in the Register's Office for Davidson County, Tennessee, and subject to the provisions and requirements thereof, and the By-Laws for the administration thereof, and all easements, rights and interest in favor of other unit owners, and all sewer, water electrical, telephone, and other utility easements, now or hereinafter established over, through or upon the land embracing the regime and buildings thereof, said Unit being depicted on Exhibit "B" to said Declaration; together with a percentage interest in the common elements as set for in said Declaration.

Tract #4
A certain townhome located in Davidson County, Tennessee, being Unit No. D of 2108 Courtney Avenue Townhomes, a Horizontal Property Regime with Private Elements, a Townhome Development established pursuant to the provision of the Tennessee Horizontal Property Act as the same is set out in Section 66-27-101, et seq. of the

Tennessee Code Annotated, under the Declaration of Covenants, Conditions and Restrictions establishing 2108 Courtney Avenue Townhomes, a Horizontal Property Regime of record in Instrument No.: 20210224-0022761 and as amended by instrument of record as Instrument No.: 20210915-0123913 and Instrument No.: 20220131-0010977 in the Register's Office for Davidson County, Tennessee, and subject to the provisions and requirements thereof, and the By-Laws for the administration thereof, and all easements, rights and interest in favor of other unit owners, and all sewer, water electrical, telephone, and other utility easements, now or hereinafter established over, through or upon the land embracing the regime and buildings thereof, said Unit being depicted on Exhibit "B" to said Declaration; together with a percentage interest in the common elements as set for in said Declaration.

DEED REFERENCE:

Being the same property conveyed to Herman Marks, an unmarried man, by Warranty Deed from Molly A. Bond, Sole Trustee of The Johnnie C. Bond, Jr. and Molly A. Bond Living Trust u/t/a March 2009 dated August 5, 2020 of record as Instrument No.: 20200907-0088027, Register's Office for Davidson County, Tennessee.

Further, being the same property conveyed to Courtney, LLC, a Tennessee limited liability company by Quitclaim Deed from Herman Marks dated September 10, 2021 of record as Instrument No.: 20210910-0121657, Register's Office for Davidson County, Tennessee.

Subject to any and all existing ROW, easements, setback lines and restrictive covenants of record in said Register's Office.

This description was taken from the deed of trust being foreclosed on of record at Instrument No.: 20211014-0138097, said Register's Office.

This sale is subject to any and all unpaid real estate taxes; restrictive covenants, easements and setback lines; any and all redemption rights, including rights of redemption of any governmental agency, State or Federal, and any and all prior liens or encumbrances against said real property. Said sale is further subject to matters that an accurate survey of the property might disclose.

TO HAVE AND TO HOLD said property with the appurtenances, estate, title, and interest thereto belonging to said Grantee, its successors and assigns forever, but subject to said real estate taxes and aforementioned Deed of Trust.

And I do further transfer and assign unto the said Grantee all the rights and benefits of the covenants and warranties in said Deed of Trust in as full and ample manner as under it, I can or should do, but I convey and assign as Trustee and not any further or otherwise.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS my hand on this the 17th day of November, 2023.

David G. Mangum, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, David G. Mangum, Substitute Trustee, the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, on this the 17th day of November, 2023.

Notary Public

KELLIE RILEY
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF CHEATHAM

My Commission Expires: 09-26-2027

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is **$842,650.00**.

Affiant

Subscribed and sworn before me, this 17th day of November, 2023.

Notary Public

KELLIE RILEY
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF CHEATHAM

My Commission Expires: 09-26-2027

DGM File #76078