This instrument prepared by:

Robert C. Henry
HENRY, HENRY & UNDERWOOD, P.C.
Attorneys at Law
Pulaski, TN 38478-0458

Karen Johnson Davidson County
Batch # 1199428 DEEDTRS
10/31/2024 10:34:25 AM 5 pgs
Fees: $28.00 Taxes: $14,067.93
20241031-0084257

ROBERT C. HENRY, SUBSTITUTE TRUSTEE

TO...SUBSTITUTE TRUSTEE'S DEED

BANK OF FRANKEWING

WHEREAS by Deed of Trust dated June 28, 2022 and of record in Instrument No. 20220706-0077596 and Deed of Trust dated October 26, 2022 and of record in Instrument No. 20221026-0115947, hdf Real Estate Holdings, LLC, a Tennessee limited liability company, did convey certain real estate unto David W. Barnes, Trustee, in trust, to secure certain indebtedness therein set out with power to sell in case of default in the payment thereof, and

WHEREAS, by appointment of Substitute Trustee, dated February 14, 2024, and of record in Instrument No. 20220706-0077596 and appointment of Substitute Trustee dated February 14, 2024, and of record in Instrument No. 20221026-0115947, Register's Office of Davidson County, Tennessee, Bank of Frankewing of Pulaski, Tennessee, appointed as Substitute Trustee Robert C. Henry and/or Billy Harvel, with the same powers as set out in the original Deed of Trust, and with the power to sell in case of default in payment, the following described real estate:

Land in Davidson County, Tennessee, being part of lot 1 on the James L. Peach, Sr. Property, as of record in Plat Book 7900, Page 648, Register's Office for Davidson County, Tennessee, described according to a survey dated October 8, 1993, revised October 25, 1993, by Joseph C. McConnel, Tennessee Registered Land Surveyor, LLC No. 992, as follows:

Beginning at a concrete monument in the easterly margin of Bonnahorn Drive at its southerly terminus and at the southwest corner of Lot No. 1150 on the plan of Hermitage Hills, Section 9, as of record in Plat Book 3600, Page 97, said Register's Office; thence along the southerly line of said lot N 74°23'42" E 82.59 feet to a point; thence S 15°15'59" E 25.09 feet to a point at the northwest corner of Lot 1, Resub Commercial Area #5 Hermitage Hills, as of record in Plat Book 4715, Page 60, Register's Office for Davidson County, Tennessee; thence with the westerly line of said Lot 1, Resub Commercial Area #5, Hermitage Hills, S 16°06' E 150 feet to point at the southwest corner of Lot 1, Resub Commercial Area #5, Hermitage Hills; thence N 61°53'38" W 115.94 feet to a point; thence N 15°36'18" W 94.85 feet to the point of beginning.

The above described tract is not a separate building site and is to be combined with Lot 1, Resub Commercial Area #5, Hermitage Hills to form Lot 1 on the James L. Peach, Sr. property as depicted in Plat Book 7900, Page 648, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to HDF Real Estate Holdings, LLC, a Limited Liability Company by Deed dated April 8, 2021 from James L. Peach, Sr. and wife, Venetia K. Peach, recorded April 9, 2021 in Instrument Number 20210409-0047523, in the Official Records of Davidson County, Tennessee.

075 09 0 268.00

The address of the above-described property is 4803 Old Hickory Boulevard, Nashville, Davidson County, TN 37076.

NO BOUNDARY SURVEY WAS MADE AT THE TIME OF THIS CONVEYANCE WITH THE LEGAL DESCRIPTION BEING THE SAME AS THE PREVIOUS DEED OF RECORD.

WHEREAS, notice of right to foreclose was sent pursuant to T.C.A. 35-5-101(e)(1) at least thirty (30) days prior to the first publication addressed to the debtor at the mailing address of the property and the last known mailing address of debtor (and notice of right to foreclose was sent pursuant to T.C.a. 35-5-101(e)(2) to the co-debtor at least thirty (30) days prior to first publication at co-debtor's last known mailing address by the co-debtor.

SUBJECT TO any governmental zoning or subdivision ordinances or regulations in effect thereon; any declarations, covenants or restrictions; any building setback lines, power, telephone company and drainage easements or other matters of record in the Register's Office of Davidson County, Tennessee. **THE PROPERTY IS TO BE SOLD WITHOUT ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE.**

FURTHER SUBJECT TO any matters which might be disclosed by an accurate survey and inspection of the property and any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, items not extinguished by foreclosure pursuant to Tennessee law, and any matters of record superior to the Deed of Trust first reference above.

WHEREAS said Deed of Trust was made to secure the note therein set out and contained the power to sell in case of default in the payment of said note and interest at maturity, and

WHEREAS the maker of said note has defaulted in the payment thereof and default has continued for many months and the Bank of Frankewing, the owner and holder of said note, has requested and directed the undersigned to foreclose said Deed of Trust according to its terms in order to collect said note.

WHEREAS The Soldiers' and Sailors' Relief Act of 1940 (as to matters that were not final on December 19, 2003) and the new Servicemembers Civil Relief Act ("Acts") protect and preserve the interests of persons serving in the military service. A person serving in the military service includes individuals serving in the Army, Navy, Air Force, Marine Corp., Cost Guard, public health service and the National Guard and Reserves from the date required to report for active duty. For compliance with these Acts, see Servicemembers Civil Relief Act Affidavit attached hereto as Exhibit "A" and incorporated herein by reference.

FURTHER, I sent notice of this sale by first class mail posted more than thirty (30) days before the sale date to the aforesaid mortgagors and to the following lienholders at their respective last ascertainable addresses, to wit:

Air Temp, Inc.
C/o Larry Doochin
5683 Cane Ridge Road
Antioch, TN 37013-3903
Bank of Frankewing as Assignee of Air Temp, Inc.

FURTHER, notice was sent at least thirty (30) days prior to the first publication date pursuant to T.C.A. §351-101(e).

NOW, THEREFORE, I, the undersigned, Robert C. Henry, Substitute Trustee, proceeded according to the terms of said Deed of Trust and advertised said property for three (3) consecutive weeks on October 11, 2024, October 18, 2024, and October 25, 2024, in the The Ledger, a newspaper published in Davidson County, Tennessee, the first publication being more than twenty (20) days before the date of sale, as provided in said Deed of Trust, announcing the terms, and place of sale, and pursuant to said advertisement offered said property for sale and sold the same, in bar of the equity of redemption, the statutory right of redemption and free from homestead and dower, all in accordance with the provisions of said deed of trust and the laws of Tennessee controlling such sales, but subject to 2023 and 2024 taxes, on the 31st day of October, 2024, at 10:00 o'clock a.m. at

the Front Door of the Davidson County Courthouse, as set out in said advertisement, and struck off and sold the same to Bank of Frankewing, at their bid of $3,802,142.25 which was the highest, best and last bid offered, or that could be obtained.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES and the sum of Three Million Eight Hundred Two Thousand One Hundred Forty Two & 25/100 ($3,802,142.25) Dollars, cash in hand paid, the receipt of which is hereby acknowledged, I, Robert C. Henry, Substitute Trustee, have this day bargained and sold and do hereby sell, transfer and convey unto Bank of Frankewing, its successors and/or assigns, all of the right, title, interest and estate vested in me as Substitute Trustee by said Deed of Trust in and to said property.

This conveyance is subject to the 2023 and 2024 County Real Property Taxes.

THIS CONVEYANCE IS ALSO SUBJECT TO:

1. Utility Easement recorded on 8/19/1992 in Book 487, Page 314 in the Register's Office for Davidson County, Tennessee.
2. Declaration of Abandonment of Certain Electric Transmission Line Right-of-Way by United States of America and Tennessee Valley Authority Columbia-Murfreesboro Transmission Line recorded on 12/21/2005 in Book 575, Page 2871 in the Register's Office for Davidson County, Tennessee.
3. Subject to any and all matters notated in Plat of record in Plat Book 25, Page 40 in the Register's Office of Davidson County, Tennessee.

TO HAVE AND TO HOLD said property unto the said Bank of Frankewing, its successors and/or assigns, in fee simple forever.

I, the undersigned, Robert C. Henry, Substitute Trustee, do hereby convey and assign unto Bank of Frankewing, its successors and/or assigns, all of the rights and benefits of the covenants contained in said Deed of Trust in as full and ample a manner as I can or ought to do, but I convey and assign as Substitute Trustee and not otherwise.

The consideration of $3,802,142.25 was applied as follows:

$1,842.75	Newspaper Advertisements
$2,142.25	Henry, Henry & Underwood, P.C., Attorneys' fees
$3,798,157.25	Principal and interest on note.

POSSESSION passes with delivery of this deed, and TAXES for the year 2023 and 2024 will be paid by the Grantees.

This the 31st day of October, 2024.

Robert C. Henry Substitute Trustee

STATE OF TENNESSEE
COUNTY OF GILES

Personally appeared before me, Bill Harvell, a Notary Public of said County and State, ~~Robert C. Henry~~, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the SUBSTITUTE TRUSTEE of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

Witness my hand, at office the 31st day of October, 2024.

TIMOTHY P. UNDERWOOD ★ STATE OF TENNESSEE NOTARY PUBLIC ★ GILES COUNTY

Notary Public

My Commission Expires: ~~10-31-24~~ 4/26/27

STATE OF TENNESSEE
COUNTY OF GILES

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater is $3,802,142.25, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Sworn to and subscribed before me on this 31st day of October, 2024.

Notary Public

TIMOTHY P. UNDERWOOD ★ STATE OF TENNESSEE NOTARY PUBLIC ★ GILES COUNTY

My commission expires: 4/26/27.

Mail deed to:

Name: Bank of Frankewing
Address: P.O. Box 1
Frankewing, TN 38459

Mail tax notice to:

Name: Bank of Frankewing
Address: P.O. Box 1
Frankewing, TN 38459

EXHIBIT "A"

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF GILES

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who states as follows:

1. Bank of Frankewing ("Bank") is the owner and holder of a certain Deed of Trust, dated June 28, 2022, recorded in Record Book 2263, at Page 2121 in the Register's Office of Rutherford County, Tennessee, executed by HDF Real Estate Holdings, LLC in favor of Bank of Frankewing, its successors and assigns to secure the payment of a Deed of Trust to Bank of Frankewing, its successors and assigns.

2. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were (1) not members of the Armed Forces of the United States of America and had not been members of any such entities for at least nine (9) months prior to the date of the foreclosure sale the subject hereof or (2) were members Armed Forces of the United States of America at the time the security instrument was executed, and therefore enforcement of the same is not subject to the provisions of the SCRA. See attached Department of Defense, DMDC status report.

3. As such, foreclosure of this property will not be subject to the provisions of 50 U.S.C. §501, *et seq*. (the Servicemembers Civil Relief Act).

FURTHER AFFIANT SAYETH NOT.

DATED this 31 day of October, 2024.

BANK OF FRANKEWING

Billy Harvel

ACKNOWLEDGMENT

STATE OF TENNESSEE
COUNTY OF GILES

Personally appeared before me, Timothy P. Underwood, a Notary Public of said County and State, Billy Harvel, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Vice Pres. of the Bank of Frankewing and is authorized to execute this instrument on its behalf.

Witness my hand, at office, this 31st day of Oct, 2024.

Notary Public

TIMOTHY P. UNDERWOOD
STATE OF TENNESSEE NOTARY PUBLIC
GILES COUNTY

My Commission Expires: 4/26/27