

Mar 6 4 59 PM '03

**COMMISSIONER'S AND  
SUBSTITUTE TRUSTEE'S DEED**

BK 439 PG 325  
W.E. DAVIS CH. CLK.

**SARA FALKINHAM, COMMISSIONER AND  
SUBSTITUTE TRUSTEE  
GRANTOR**

**TO**

**FIRST TENNESSEE BANK NATIONAL ASSOCIATION  
GRANTEE**

This instrument is made and entered into on this the 24th day of October, 2002, by and between Sara Falkinham, (the same person as Sara M. Falkinham), Commissioner for the Chancery Court of Desoto County, Mississippi, and Substitute Trustee, party of the first part, and First Tennessee Bank National Association, party of the second part; and

**WHEREAS**, Jason K. Scott and wife, Brandi M. Scott, executed a Deed of Trust to Thomas F. Baker, VI, Trustee for the benefit of First Tennessee Bank National Association, the Beneficiary, to secure an indebtedness described therein, dated August 5, 1999, and filed for record in Book 1137 at Page 417, in the Office of the Chancery Clerk of Desoto County, Mississippi; and

**WHEREAS**, on November 30, 2000, Jason K. Scott and wife, Brandi M. Scott, executed an delivered a Modification Renewal and Extension Agreement to First Tennessee Bank National Association to renew, modify and extend the terms of the repayment for the balance owing on that certain Promissory Note of August 5, 1999,

which said renewal loan to be secured by the terms and provisions of the aforesaid Deed of Trust of August 5, 1999, which Modification, Renewal and Extension Agreement was duly recorded in Deed of Trust Book 1278 at Page 337 in the Office of the Chancery Clerk of the County of Desoto, State of Mississippi, and

**WHEREAS**, on March 26, 2001, First Tennessee Bank National Association mistakenly and erroneously executed a Deed of Release which was duly recorded in Deed of Trust Book 1310 at Page 278 in the Office of the Chancery Court of the County of Desoto, State of Mississippi; and

**WHEREAS**, default was made in the payment of the indebtedness secured by said Deed of Trust, and the Beneficiary having declared the entire unpaid balance of said indebtedness immediately due and payable, filed suit in the Chancery Court of Desoto County, Mississippi, in Civil Action No. 02-4-568 styled "First Tennessee Bank National Association, Plaintiffs vs. Jason K. Scott and Brandi M. Scott, Defendants" to reinstate the aforesaid Deed of Trust and to foreclose on the real estate secured by the said Deed of Trust; and

**WHEREAS**, the Chancery Court of Desoto County, Mississippi, appointed Sara Falkinham (the same person as Sara M. Falkinham) as the Court's Commissioner and Substituted Trustee for the purpose of conducting a foreclosure sale of the property conveyed herein; and

**WHEREAS**, after having advertised the said sale in all respects as required by law (a copy of the proof of such publication is attached hereto as Exhibit "A") and pursuant to Order of the Chancery Court of Desoto County, Mississippi, Civil Action

No. 02-4-568, dated the 20<sup>th</sup> day of September, 2002, and the laws of the State of Mississippi, the undersigned did, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.) on the 24<sup>th</sup> day of October, 2002, at the front door of the Desoto County Courthouse at Hernando, Mississippi, at public outcry offer the hereinafter described land and property for sale to the highest bidder for cash in the manner required by law and the terms and conditions of said Deed of Trust; and,

**WHEREAS**, at the time and place aforementioned, the undersigned received from the hereinafter named Grantee a bid of Forty-One Thousand and 00/100 (\$41,000.00), which was the highest bid for cash for said land and property, and said bidder was then and there declared to be the purchaser thereof;

**NOW, THEREFORE**, in consideration of the aforesaid sum, cash in hand paid, the receipt whereof is hereby acknowledged, the undersigned does hereby sell and convey unto First Tennessee Bank National Association, Grantee, in consideration of the sum of Forty-One Thousand and 00/100 (\$41,000.00), the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in Desoto County, Mississippi, to-wit:

Lot 81, Section "C", Kingston West Subdivision, Section 28,  
Township 1 South, Range 8 West, Desoto County,  
Mississippi, as per plat thereof recorded in Plat Book 45,  
Page 15, in the Office of the Chancery Clerk of Desoto  
County, Mississippi.

I hereby convey only such title as is vested in me as Commissioner and Substitute Trustee.

WITNESS MY SIGNATURE, this the 24<sup>th</sup> day of October, 2002.

  
Sara Falkinham (the Same Person as Sara M. Falkinham), Commissioner for the Desoto County Chancery Court and Substitute Trustee

STATE OF MISSISSIPPI

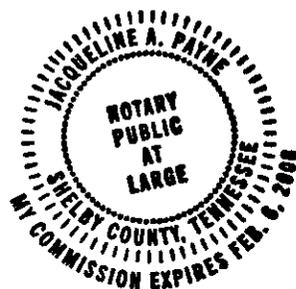
COUNTY OF HINDS

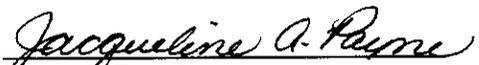
PERSONALLY appeared before me, the undersigned authority in and for county and state aforesaid, the within named Sara Falkinham (the same person as Sara M. Falkinham), Commissioner for the Desoto County Chancery Court and Substitute Trustee, who did acknowledge to me that she signed and delivered the above and foregoing Commissioner's and Substitute Trustee's Deed on the day and year therein mentioned as her free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office on this the 6<sup>th</sup> day of March, 2003.

My Commission Expires:

02-06-06



  
Notary Public

GRANTOR'S ADDRESS:  
80 MONROE AVENUE, SUITE 700  
BRINKLEY PLAZA  
MEMPHIS, TENNESSEE 38103-2467  
PHONE: (901) 524-4943

GRANTEE'S ADDRESS:  
607 MARKET STREET, SUITE 700  
KNOXVILLE, TENNESSEE 37902  
PHONE: (856) 633-2476

PREPARED BY & RETURN TO:  
JAMES L. PETTIS, III  
ARMSTRONG ALLEN, PLLC  
2525 LAKEWARD DRIVE  
SUITE 200  
JACKSON, MISSISSIPPI 39216  
(601) 713-1192

INDEXING INSTRUCTIONS: Lot 81, Section "C", Kingston West Subdivision,  
Section 28, Township 1 South, Range 8 West,  
Desoto County, Mississippi.

# PROOF OF PUBLICATION

BK 0439PG0330

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Lisa Fuller personally appeared before me the undersigned in and for said County and State and states on oath that she is the CLERK of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

COMMISSIONER NOTICE OF SALE

WHEREAS, on August 5, 1999, Jason K. Scott executed a Deed of Trust to Thomas F. Baker, VI, Trustee for the benefit of First Tennessee Bank National Association, which Deed of Trust is recorded in Deed of Trust Book 1137 at Page 417 in the office of the Chancery Court of the County of DeSoto, State of Mississippi; and

WHEREAS, on November 30, 2000, Jason K. Scott and wife, Brandi M. Scott, executed and delivered a Modification, Renewal, and Extension Agreement to First Tennessee Bank National Association to renew, modify and extend the terms of repayment for the balance owing in the amount of \$72,227.54 on the note of August 5, 1999, with said renewal loan to be secured by the terms and provisions of the aforesaid Deed of Trust of August 5, 1999, which Modification, Renewal, and Extension Agreement was duly recorded in Deed of Trust Book 1278 at Page 337 in the office of the Chancery Court of the County of DeSoto, State of Mississippi; and

WHEREAS, on March 26, 2001, First Tennessee Bank National Association mistakenly and erroneously executed a Deed of Release which was duly recorded in Deed of Trust Book 1310 at Page 276 in the office of the Chancery Court of the County of DeSoto, State of Mississippi.

WHEREAS, this action was inadvertent and in error in that Jason K. Scott and Brandi M. Scott had not paid off the Renewal Note and had not complied with the terms of the Renewal Note. Pursuant to Court Order Granting Default Judgment dated August 12, 2002, such Deed of Trust was reinstated, and

WHEREAS, pursuant to Order on Motion for Judicial Foreclosure, entered on September 20, 2002, Commissioner Sara Falkinham was appointed and authorized to execute the Trust and sell the land and property described herein in accordance with the Deed of Trust and to execute and deliver a good and valid Commissioner's Deed to the purchaser at sale; and

WHEREAS, default having been made in the terms and conditions of said Deed of Trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, First Tennessee Bank National Association, having requested the undersigned Commissioner to execute the trust and sell said land and property in accordance with the terms of said Deed of Trust for the purpose of raising the sums due thereunder, together with attorney's fees, Commissioner's fees and expense of sale;

NOW, THEREFORE, I, Sara Falkinham, Commissioner of said Deed of Trust, will on the 24th day of October, 2002, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being between the hours of 11:00 a.m. and 4:00 p.m.) at the front door of the County Courthouse located at 2535 Highway 51 S., City of Hernando, County of DeSoto, State of Mississippi, the following described property situated in the County of DeSoto, State of Mississippi, to-wit:

Lot 81, Section C, Kingston West Subdivision, Section 28, Township 1 South, Range 8 West, DeSoto County, Mississippi as per plat thereof recorded in Plat Book 45, Page

15 in the office of the Chancery Clerk of DeSoto County, Mississippi.

I WILL CONVEY only such title as is vested in me as Commissioner.

WITNESS MY SIGNATURE, this the 30th day of September, 2002.

Sara M. Falkinham  
COMMISSIONER  
ARMSTRONG ALLEN, PLLC  
80 Monroe Avenue  
Suite 700  
Memphis, TN 38103  
(901) 523-8211  
Oct. 2, 9, 16, 23, 2002

Volume No. 107 on the 2 day of Oct., 2002

Volume No. 107 on the 9 day of Oct., 2002

Volume No. 107 on the 16 day of Oct., 2002

Volume No. 107 on the 23 day of Oct., 2002

Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2002

Lisa Fuller  
(TITLE)

Sworn to and subscribed before me, this 23 day of Oct., 2002

BY Judy H. Conger

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: January 16, 2005  
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