

BK 0473 PG 0176

STATE MS.-DESOTO CO. FILED

STATE OF MISSISSIPPI

MAY 28 10 32 AM '04

Richard Franz

COUNTY OF DESOTO

BBM 18591334

BK 473 PG 176  
FILE DAVIS CH. CLK.

**SUBSTITUTED TRUSTEES DEED**

WHEREAS, on April 28, 2000, Richard Franz and wife, Mariette Franz, executed a Deed of Trust to Jeanine B. Saylor, Trustee for the benefit of First Trust Mortgage Company, which Deed of Trust is filed for record in Book 1209 at Page 227, corrected in Book 1228 at Page 575 and rerecorded in Book 1260 at Page 110 in the office of the Chancery Clerk of DeSoto County at Hernando, Mississippi; and

WHEREAS, said Deed of Trust was subsequently assigned to Mortgage Electronic Registration Systems, Inc. by instrument dated September 6, 2002 and recorded in Book 1701 at Page 655 and re-recorded in Book 1964 at Page 434 of the aforesaid records; and

WHEREAS, as authorized by the aforesaid Deed of Trust and in strict accordance therewith, Mortgage Electronic Registration Systems, Inc. appointed and substituted J. Gary Massey as Trustee therein in the place and stead of the trustee named in said Deed of Trust or subsequently substituted therein by Substitution of Trustee dated March 30, 2004, and duly filed for record in the office of the aforesaid Chancery Clerk in Book 1964 at Page 432 prior to the first publication and posting of the notice of sale; and

WHEREAS, default having been made in the terms and conditions of said Deed of Trust, which default continued for a period of time necessary for the holder thereof to declare the entire indebtedness, together with attorney's fees, expenses and costs, immediately due and payable, as was its option so to do under the terms of said Deed of Trust, and default having been made in payment of said amount and the Substituted Trustee having been requested and directed by Mortgage Electronic Registration Systems, Inc. to foreclose under the terms of said Deed of Trust, I did on May 25, 2004, during legal hours, being between the hours of 11:00 a.m. and 4:00 p.m., at the East Front door of the County Courthouse of DeSoto County, Hernando, Mississippi, in accordance with the terms of the Deed of Trust and the laws of the State of Mississippi, offer for sale at public auction and sell to the highest and best bidder for cash the following described land and property lying and being situated in DeSoto County, Mississippi, being more particularly described as follows, to wit:

Lot 187, Section C, North Creek Subdivision, PUD, situated in Section 20, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 60, Page 45, and revised in Plat Book 64, Page 37, in the office of the Chancery Clerk of DeSoto County, Mississippi.

Said property was sold after strictly complying with all the terms and conditions of said Deed of Trust and the statutes made and provided in such cases. A notice of time, place

and terms of said sale, together with a description of the property to be sold, was given by publication in the DeSoto County Times , a newspaper published in DeSoto County, Mississippi for three consecutive weeks preceding the date of sale. The notices were published on May 4, 11 and 18, 2004, (a certified copy of which is attached hereto), and a notice identical to the published notice was posted on the bulletin board at the East Front door of the County Courthouse of DeSoto County, Hernando, Mississippi for said period of three consecutive weeks. Everything necessary to be done was done to make and effect a good and lawful sale.

At said Sale, Mortgage Electronic Registration Systems, Inc. bid for said property in the amount of \$131,691.79, which being the highest and best bid, the same was then and there struck off to Mortgage Electronic Registration Systems, Inc. and it was declared the purchaser thereof.

NOW THEREFORE, in consideration of the full payment of the purchase price, I, the undersigned Substituted Trustee, do hereby sell and convey unto Mortgage Electronic Registration Systems, Inc. the land and property herein described. I convey only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, on May 25, 2004.

*J. Gary Massey*

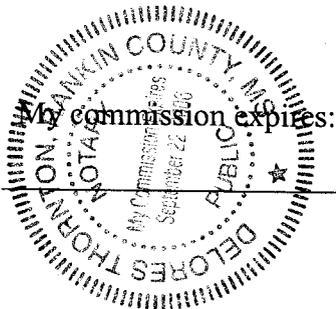
\_\_\_\_\_  
J. Gary Massey, Substituted Trustee

STATE OF MISSISSIPPI  
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for said county and state, on May 25, 2004, the within named J. Gary Massey, Substituted Trustee, duly identified before me, who acknowledged that in said representative capacity he executed the above and foregoing instrument, after having first been duly authorized to do so.

*Delores Thorton*

\_\_\_\_\_  
Notary Public



GRANTOR'S ADDRESS:

J. Gary Massey, Substitute Trustee  
Shapiro & Massey, L.L.P.  
1910 Lakeland Drive, Suite B  
Jackson, MS 39216  
601-981-9299  
S&M #04-0269

GRANTEE'S ADDRESS:

c/o Washington Mutual Bank  
8120 Nations Way - Bldg 100  
Jacksonville, FL 32256  
904-224-5647

PREPARED BY:

J. Gary Massey, Substitute Trustee  
Shapiro & Massey, L.L.P.  
1910 Lakeland Drive, Suite B  
Jackson, MS 39216  
(601) 981-9299

INDEX: Lot 187 Sec C, North Creek Sub, PUD, DeSoto Co., MS



# PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

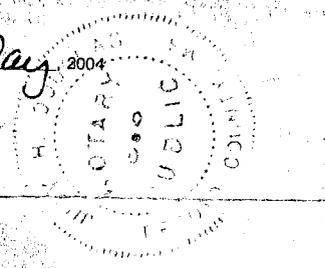
Lisa Fuller personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 3 consecutive times, as follows, to-wit:

Volume No. 109 on the 4 day of May, 2004  
 Volume No. 109 on the 11 day of May, 2004  
 Volume No. 109 on the 18 day of May, 2004  
 Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2004  
 Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2004

*Lisa Fuller*

Sworn to and subscribed before me, this 18 day of May, 2004

BY Judy M. Douglas



NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2005  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 433 words @ .12 \$ 51.96  
 B. 2 subsequent insertions of 866 words @ .10 \$ 86.60  
 C. Making proof of publication and depositing to same \$ 3.00  
 TOTAL PUBLISHER'S FEE: \$ 141.56

SUBSTITUTED TRUSTEE'S NOTICE OF SALE  
 WHEREAS, on April 28, 2000, Richard Franz and wife, Mariette Franz, executed a certain deed of trust to Jeanine B. Saylor, Trustee for the benefit of First Trust Mortgage Company, which deed of trust is of record in the office of the Chancery Clerk of DeSoto County, State of Mississippi in Book 1209 at Page 227, corrected in Book 1228 at Page 575 and re-recorded in Book 1260 at Page 110; and  
 WHEREAS, said Deed of Trust was subsequently assigned to Mortgage Electronic Registration Systems, Inc. by instrument dated September 6, 2002 and recorded in Book 1701 at Page 655 and re-recorded in Book 1964 at Page 434 of the aforesaid Chancery Clerk's office; and  
 WHEREAS, Mortgage Electronic Registration Systems, Inc. has heretofore substituted J. Gary Massey as Trustee by instrument dated March 30, 2004 and recorded in the aforesaid Chancery Clerk's Office in Book 1964 at Page 432; 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, Mortgage Electronic Registration Systems, Inc., the legal holder of said indebtedness, having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust and for the purpose of raising the sums due thereunder, together with attorney's fees, trustee's fees and expense of sale,  
 NOW, THEREFORE, I, J. Gary Massey, Substituted Trustee in said deed of trust, will on May 25, 2004 offer for sale at public outcry and sell within legal hours (being between the hours of 11:00 a.m. and 4:00 p.m.), at the East Front door of the County Courthouse of DeSoto County, located at Hernando, Mississippi, to the highest and best bidder for cash the following described property situated in DeSoto County, State of Mississippi, to-wit:  
 Lot 187, Section C, North Creek Subdivision, PUD, situated in Section 20, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 60, Page 45, and revised in Plat Book 64, Page 37, in the office of the Chancery Clerk of DeSoto County, Mississippi.  
 I WILL CONVEY only such title as vested in me as Substituted Trustee.  
 WITNESS MY SIGNATURE on this 29th day of April, 2004.  
 J. Gary Massey  
 SUBSTITUTED TRUSTEE  
 Shapiro & Massey, L.L.P.  
 1910 Lakeland Drive, Suite B  
 Jackson, MS 39216  
 (601) 951-9299  
 8841 Cat Tail Cove, Southaven  
 dht/04-0269  
 Publication Dates:  
 May 4, 11 and 18, 2004

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