

Current Borrower: Louis L. Smith  
Client Loan Number: 26970987  
B&H File Number: 251447  
VA/FHA/PMI Number: 3610703ff  
Loan Type: FHA  
Property Address: 6310 Heather Cove, Horn Lake, MS 38637

### SUBSTITUTE TRUSTEE'S DEED

Grantor: James L. DeLoach, Substitute Trustee  
Grantee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

WHEREAS, on April 7, 2003, Louis L. Smith, II, married and Deborah J. Smith, executed a deed of trust to Arnold Weiss, Trustee for the benefit of Mortgage Electronic Registration Systems, Inc., solely as a nominee for Pulaski Mortgage Company, which deed of trust is recorded in Deed of Trust Book 1698 at Page 0160 in the office of the Chancery Clerk of Desoto, State of Mississippi; and

WHEREAS, the aforesaid, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., the holder of said deed of trust and the note secured thereby, substitute James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated August 14, 2007, and recorded in the office of the aforesaid Chancery Clerk in Book 2773 at Page 177; 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, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., having requested the undersigned Substitute Trustee to execute the trust and sell 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, Substitute Trustee's fees and expense of sale;

WHEREAS, the undersigned Substitute Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on September 24, 2007, at public outcry offered the hereinafter described property for sale at the East front door of the County Courthouse at Hernando, County of Desoto, State of Mississippi;

WHEREAS, the Proof of Publication, Affidavit of Posting and the Memorandum of Sale have been prepared and executed to verify all aforesaid events. Said items are attached as proof thereof;

BH # 251447/457

DLI UPS

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WHEREAS, at the time and place aforementioned, the undersigned received from the hereinafter named grantee a bid of \$74,274.22 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;

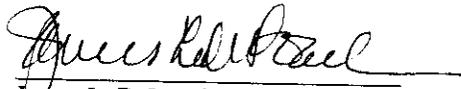
NOW, THEREFORE, in consideration of the aforesaid sum, cash in had paid, the receipt whereof is hereby acknowledged, the undersigned does hereby and convey unto MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in the County of Desoto, State of Mississippi, to-wit:

LOT 1318, SECTION "C" (SOUTH) DESOTO VILLAGE SUBDIVISION, LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI, AS RECORDED IN PLAT BOOK 10, PAGE 3-8, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI.

Also known as 6310 Heather Cove, Horn Lake, MS 38637

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

WITNESS MY SIGNATURE, this, the 24<sup>th</sup> day of September, 2007.



James L. DeLoach  
SUBSTITUTE TRUSTEE  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
Telephone No.:(972) 233-2500

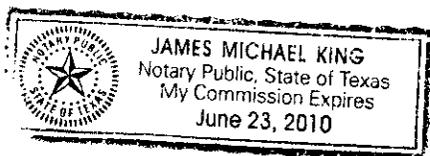
STATE OF TEXAS )  
 )  
COUNTY OF DALLAS ) ACKNOWLEDGMENT

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state of aforesaid, James L. DeLoach, Substitute Trustee, who acknowledged to and before me that he executed the foregoing Substitute Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 24 day of September, 2007

*James Michael King*  
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



GRANTOR'S NAME, ADDRESS AND PHONE NUMBER:

James L. DeLoach  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
(972)-233-2500

GRANTEE'S NAME, ADDRESS AND PHONE NUMBER (Send Tax Statements to this address):  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

%Countrywide Home Loans, Inc.  
7105 Corporate Drive  
Plano, Tx 75024  
[christie\\_vanfleet@countrywide.com](mailto:christie_vanfleet@countrywide.com)  
(972) 526-6000

THIS DOCUMENT PREPARED BY AND AFTER RECORDING PLEASE RETURN TO:

Kortney R. Gurnell  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
(972) 233-2500

Current Borrower: LOUIS L. SMITH  
Client Loan Number: 26970987  
B&H File Number: 251447  
VA/FHA/PMI Number: 361070311  
Loan Type: FHA  
Property Address: 6310 Heather Cove, Horn Lake, MS 38637

**Affidavit of Mortgagee**

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority on this day personally appeared Kortney R. Gurnell, who after being duly sworn, deposed as follows:

- 1. I am an employee of Butler & Hosch, P.A., attorney for Countrywide Home Loans, Inc., as servicing agent for MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. at the time of the events hereinafter set forth and make this affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.
- 2. This affidavit is made with respect to the foreclosure of that certain Deed of Trust dated April 7, 2003, recorded in Volume 1698, Page 0160, Real Property Records, Desoto County, Mississippi, executed by Louis L. Smith, II, married and Deborah J. Smith, to Arnold Weiss, Trustee, to secure payment of a Note to Pulaski Mortgage Company.
- 3. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. is the holder of the indebtedness secured by the Deed of Trust.
- 4. To the best of my knowledge and belief, proper notice was sent prior to acceleration of indebtedness. All obligations duties of the holder of the debt were performed in the manner required by law and all notices were served on the Debtor at the Debtor's last known address as shown by the records of the holder of the debt.
- 5. To the best of my knowledge and belief, the mortgagors holding an interest in the above described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for the last three (3) months prior to the date of the Trustee's Sale and the subject hereof and were alive on the date of such sale.
- 6. At the instructions and on behalf of the holder of the debt or its agent, notice of acceleration of indebtedness and Trustee's Sale was served on every debtor obligated on the debt, by certified and regular mail at least thirty (30) days prior to the date therein specified for sale at the last known address of each such debtor according to the records of the holder of the debt.
- 7. At the instructions and on behalf of the holder of the debt or its agent, Notice of Trustee's Sale was filed with the Chancery Clerk in the county or counties in which the subject property is situated and copies thereof posted at said courthouse(s) as required by law and in the manner specified by ordinance or custom."

FURTHER AFFIANT SAYETH NAUGHT.

STATE OF TEXAS §  
COUNTY OF DALLAS §

*Kortney Gurnell*  
AFFIANT

Sworn to and subscribed before me, the undersigned Notary Public, on this day personally appeared Kortney R. Gurnell, who is the Legal Assistant and duly authorized agent of Butler & Hosch, P.A., on behalf of said law firm, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 24 day of September, 2007

*James Michael King*  
Notary Public for the State of Texas

Printed Name of Notary Public  
My Commission Expires: \_\_\_\_\_



Current Borrower: Louis L. Smith  
 Client Loan Number: 26970987  
 B&H File Number: 251447  
 VA/FHA/PMI Number: 3610703fl  
 Loan Type: FHA  
 Property Address: 6310 Heather Cove, Hom Lake, MS 38637

**MEMORANDUM OF SALE**

The undersigned Substitute Trustee (hereinafter "Trustee") hereby appoints \_\_\_\_\_  
*Josh Mastlar*  
 \_\_\_\_\_, to serve as auctioneer for the purpose of conducting the foreclosure sale more particularly described below. This appointment is subject to completion of a satisfactory title examination (including a search for Federal Liens) and the performance of all duties in conformity with Trustee's instructions. All third party bids are subject to confirmation by Trustee prior to sale. Right is reserved by Trustee to reject any bid or to withdraw the property from auction prior to final sale. All sales are subject to review and confirmation by the Trustee, prior to conveyance. The undersigned Trustee reserves the right to reject any bid and to decline to convey the subject property due to mistake (including but not limited to an error in the bid amount), inadequacy of funds, title defects or lack of notice to the IRS, or for any other reasonable cause. If Trustee elects to reject a bid, the funds tendered by the successful bidder will be promptly returned, and the property will be re-advertised for sale at a subsequent date.

Upon confirmation by the Trustee, Trustee will convey only such title as is vested in him. No representations are made concerning title to the subject property of the fitness or merchantability of the same. It is the purchaser's sole responsibility to examine and investigate the title to the property and any related issues, and it shall be the purchaser's responsibility to resolve any issues relating to other liens, taxes or other title problems or issues affecting the subject property. The property will be conveyed without warranty of any kind, it being understood that the property is being sold "as is". The form of conveyance will be that of a Substituted Trustee's Deed, which is in the nature of quitclaim deed.

WITNESS MY SIGNATURE, on this 24<sup>th</sup> day of September, 2007.

James L. DeLoach  
James L. DeLoach, Substitute Trustee  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
Telephone No.:(972) 233-2500

**RESULTS OF SALE:**

DEED OF TRUST FORECLOSED: BOOK 1698 PAGE 0160  
DATE & TIME OF SALE: September 24, 2007, AT \_\_\_\_\_ A.M./P.M.  
AMOUNT OF HIGHEST BID: \$ 74,274.22  
CONVEY TO: Mortgage Electronic Reg. Systems Inc.  
PHONE: \_\_\_\_\_

The undersigned acknowledged having read the terms of the auctioneer's appointment and conditions of sale set forth above, and further acknowledge that all bids are subject to approval by the Trustee prior to conveyance, and the sale may be set aside by the Trustee and the funds tendered returned to the bidder, if these conditions are not satisfied.

WITNESS OUR SIGNATURES, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

J. Markler  
AUCTIONEER  
Printed Name: Josh Markler

James Connors DCSO  
WITNESS  
Printed Name: JAMES CONNORS

Mortgage Electronic Reg. Systems  
HIGHEST BIDDER  
Printed Name: \_\_\_\_\_

WITNESS  
Printed Name: \_\_\_\_\_

# PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

**Diane Smith** 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:

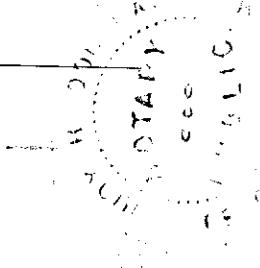
- Volume No. 112 on the 30 day of Aug., 2007
- Volume No. 112 on the 6 day of Sept., 2007
- Volume No. 112 on the 13 day of Sept., 2007
- Volume No. 112 on the 20 day of Sept., 2007
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2007
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

*Diane Smith*

Sworn to and subscribed before me, this 20 day of Sept., 2007

BY *Judy A. Douglas*

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2009  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



A. Single first insertion of 424 words @ .12 \$ 50.88  
 B. 3 subsequent insertions of 1272 words @ .10 \$ 127.20  
 C. Making proof of publication and depositing to same \$ 3.00  
 TOTAL PUBLISHER'S FEE: \$ 181.08

**SUBSTITUTE TRUSTEE'S NOTICE OF SALE**  
WHEREAS, on April 7, 2003, Louis L. Smith, II, married and Deborah J. Smith executed a deed of trust to Arnold Wales, Trustee for the benefit of Mortgage Electronic Registration Systems, Inc., solely as a nominee for Puleask Mortgage Company, which deed of trust is recorded in Deed of Trust Book 1998 at Page 0180 in the office of the Chancery Clerk of the County of Desoto, State of Mississippi; and

WHEREAS, the aforesaid MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., the holder of said deed of trust and the note secured thereby, substituted James L. DeLoach or Zachary A. Copp as Trustee herein, as authorized by the terms thereof, by instrument dated August 14, 2007 and recorded in the office of the aforesaid Chancery Clerk in Book 2772 at Page 177 and

WHEREAS, 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, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., having requested the undersigned Substitute Trustee 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, Substitute Trustee's fees and expenses of sale;

NOW, THEREFORE, I, James L. DeLoach or Zachary A. Copp, Substitute Trustee in said deed of trust, will on September 13, 2007, offer for sale at public outcry for cash to the highest bidder, not less than one hour before the opening of the County Courthouse at Hernando, Desoto County, State of Mississippi, the following described property situated in the County of Desoto, State of Mississippi, to-wit:

LOT 1318, SECTION 33 (SOUTH) DESOTO VILLAGE SUBDIVISION, LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI AS RECORDED IN PLAT BOOK 10, PAGE 3-8, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI.  
 Also known as 6310 Heather Cove, Horn Lake, MS 38637  
 I WILL CONVEY only such title as is vested in me as Substitute Trustee.  
 WITNESS MY SIGNATURE, this the 27th day of August, 2007.  
 James L. DeLoach or Zachary A. Copp  
 Substitute Trustee  
 Butler & Hoach, P.A.  
 13800 Montfort Drive, Suite 300  
 Dallas, Texas 75240  
 Telephone No.: (972) 233-2500  
 PUBLISH: August 30, 2007, September 6, 2007, September 13, 2007, and September 20, 2007.

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