

**STATE OF MISSISSIPPI**

**COUNTY OF DESOTO**

**SUBSTITUTED TRUSTEE'S DEED**

**WHEREAS**, on the 13<sup>th</sup> day of October, 2006, Jason Morris Construction, LLC, executed a Deed of Trust to L. Hugh Tate, Jr., as Trustee for the use and benefit of Bank of New Albany, (now known as BNA Bank) which Deed of Trust is recorded in Trust Deed Book 2,585 at Page 756 in the land records of the Office of the Chancery Clerk of Desoto County, Mississippi; and

**WHEREAS**, said Deed of Trust was subsequently renewed and extended by that certain Deed of Trust from Jason Morris Construction, LLC, to L. Hugh Tate, Jr., Trustee for Bank of New Albany, Dated April 19, 2007 and appears in Book No. 2,703 at Page 550 in the land records of the Chancery Clerk of Desoto County, Mississippi; and further renewed and extended by that certain Deed of Trust from Jason Morris Construction, LLC, to L. Hugh Tate, Trustee for Bank of New Albany, dated June 8, 2007 and appears in Deed Book 2,734 at Page 408, in the land records of Desoto County, Mississippi.

**WHEREAS**, the undersigned Trustee was substituted in the aforesaid Deed of Trust by virtue of instrument dated the March 6, 2009, and recorded on the March 11, 2009, appearing in Book No. 3,004 at pages 59-61 of the land records of the Chancery Clerk of Desoto County, Mississippi; and

**WHEREAS**, default having been made in the payment of the indebtedness and the undersigned Substituted Trustee having been requested to foreclose said Deed of Trust; and

*am*

**WHEREAS**, the undersigned Substituted Trustee did publish proper notice of the foreclosure sale of lands; and the same having been published in the Desoto Times-Tribune a qualified newspaper, in the issues thereof published on March 19<sup>th</sup> , & 26<sup>th</sup> , 2009 and April 2<sup>nd</sup> , & 9<sup>th</sup> , 2009 whereupon notice was given that the hereinafter described lands would be sold by the undersigned Substituted Trustee at the Main Front Door of the Courthouse in Desoto, Union County, Mississippi, during legal hours on the 14<sup>th</sup> day of April, 2009; and

**WHEREAS**, upon the hour of 11:00 a.m. on the aforesaid date of April 14, 2009, the undersigned Substituted Trustee did offer for sale and sell at public outcry the land hereinafter described at the Main Front Door of the Courthouse in Hernando, Desoto County, Mississippi, whereupon the highest and best bid received was the bid of BNA Bank, having bid the sum of \$177,580;

**NOW, THEREFORE:**

**IN CONSIDERATION** of the sum of \$177,580, I, Thomas D. McDonough, undersigned as Substituted Trustee, do hereby sell and convey unto BNA Bank of New Albany, Mississippi, the following described property located and situated in Union County, Mississippi, and more particularly described as follows, to wit:

**INDEXING: LOT 294, PHASE 6, OF FOREST HILL COMMUNITY, LOCATED IN SECTION 8 & 17, TOWNSHIP 2 SOUTH, RANGE 5 WEST, DESOTO COUNTY, MISSISSIPPI, and being more particularly described as follows:**

Lot 294 Phase 6, Forest Hill Community, situated in Section 8 and 17, Township 2 South, Range 5 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 90, Page 19, in the office of the Chancery Clerk of DeSoto County, Mississippi.

**SOURCE DEED:** This is a part of the same land and property as conveyed to KOSTKA INVESTMENT CO., INC., a Tennessee Corporation, by Warranty Deed from Forest Hill Properties, Inc., dated

January 25, 2005, and recorded in Land Deed Book 491, at page 689 in the office of the Chancery Clerk of DeSoto County, Mississippi.

SUBJECT TO: Rights of way and easements for public road and utilities. Specifically subject to Declaration of Covenants, Conditions and restrictions of record in Book 325, Page 686; Book 325, Page 719; Book 361, Page 678; Book 434, Page 209; all in the office of the Chancery Clerk of DeSoto County, Mississippi; and further subject to 25% Oil, Gas, and minerals reserved in Deed Book 109, Page 95 in said Clerk's Office.

SUBJECT TO: Laws, ordinances and regulations which govern the use and occupancy of this land enacted by the United States of America, the State of Mississippi and its political subdivisions, and particularly including the subdivision regulations and zoning ordinances adopted by ordinances of the Board of Supervisors of DeSoto County, Mississippi, none of which render title unmarketable

GRANTOR:  
THOMAS D. McDONOUGH, TRUSTEE  
FOR BNA BANK OF NEW ALBANY  
104 EAST MAIN STREET  
NEW ALBANY, MS 38652  
662-534-6365

GRANTEE  
BNA BANK  
P.O. BOX 811  
NEW ALBANY, MS 38652  
662-534-8171

WITNESS the signature of the Grantor, this the 22<sup>ND</sup> day of April, 2009



**THOMAS D. MCDONOUGH**  
**SUBSTITUTED TRUSTEE**

**STATE OF MISSISSIPPI**  
**COUNTY OF UNION**

Personally appeared before me, the undersigned authority in and for said County and State, the within named Thomas D. McDonough, who acknowledged that he signed and delivered the foregoing Substituted Trustee's Deed on the day and year therein, having been duly authorized so to act.

SWORN to and subscribed before me, this the 22<sup>ND</sup> day of April, 20079.



*Paulette G. Coltharp*  
NOTARY PUBLIC

**MY COMMISSION EXPIRES:**

**DOCUMENT PREPARED BY:**

Thomas D. McDonough  
Attorney at Law  
P.O. Box 186  
New Albany, MS 38652  
662-534-6365  
662-534-6366 (facsimile)  
State Bar No. 2410

**INDEX: LOT 294, PHASE 6, OF FOREST HILL COMMUNITY, LOCATED IN SECTION 8 & 17, TOWNSHIP 2 SOUTH, RANGE 5 WEST, DESOTO COUNTY, MISSISSIPPI,**

# DESOTO TIMES-TRIBUNE

## PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

**Diane Smith** personally appeared before me the undersigned in and for said County State and states on oath that she is the **CLERK** of the DeSoto Times-Tribune, 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 heretofore has been made in said paper 4 consecutive times, as follows, to-wit:

STATE OF MISSISSIPPI  
COUNTY OF DESOTO  
NOTICE OF SUBSTITUTED TRUSTEE'S SALE OF LAND  
WHEREAS, on 13th day of October, 2006, Jason Morris Construction, LLC, executed a deed of trust to L. Hugh Tate, Jr., as Trustee for the use and benefit of Bank of New Albany, (now known as BNA Bank), which deed of trust is recorded in Trust Deed Book 2,585 at Page 756, in the land records of the Office of the Chancery Clerk of Desoto County, Mississippi; and

WHEREAS, said Deed of Trust was subsequently renewed and extended by that certain Deed of Trust from Jason Morris Construction, LLC, to L. Hugh Tate, Jr., Trustee for Bank of New Albany, Dated April 19, 2007 and appears in Book No. 2,703 at Page 550 in the land records of the Chancery Clerk of Desoto County, Mississippi; and further renewed and extended by that certain Deed of Trust from Jason Morris Construction, LLC, to L. Hugh Tate, Trustee for Bank of New Albany, dated June 8, 2007 and appears in Deed Book 2,734 at Page 408, in the land records of Desoto County, Mississippi.

WHEREAS, Bank of New Albany, having substituted Thomas D. McDonough as Trustee in the place of L. Hugh Tate, Jr., by Instrument dated March 6, 2009, and recorded on March 11, 2009, appearing in Book No. 3,004 at Page 59-61 of the land records of the Chancery Clerk of Desoto County, Mississippi; and

WHEREAS, default having been made in the payment of the indebtedness secured by said deed of trust and the entire indebtedness having been declared due and payable, the said Substituted Trustee having been required and directed by the said BNA Bank (formerly known as The Bank of New Albany), to execute the trust, and I will, under the provision of and by virtue of the authority conferred upon me by said deed of trust, on the 14th day of April, 2009, at the front door of the Desoto County Courthouse in Hernando, Mississippi within the hours of 11:00 AM and 4:00 PM, offer for sale and will sell at public auction for cash and to the highest bidder the following described real property, lying and being situated in Desoto County, Mississippi, to-wit:

- Volume No. 114 on the 19 day of March, 2009
- Volume No. 114 on the 26 day of March, 2009
- Volume No. 114 on the 2 day of April, 2009
- Volume No. 114 on the 9 day of April, 2009
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

*Diane Smith*

Sworn to and subscribed before me, this 9 day of April, 2009

*Judy H. Douglas*

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2013  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 765 words @ .12 \$ 91.80  
 B. 3 subsequent insertions of 2295 words @ .10 \$ 229.50  
 C. Making proof of publication and depositing to same \$ 3.00  
 TOTAL PUBLISHER'S FEE: \$ 324.30

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 SUBJECT TO: Laws, ordinances and regulations which govern the use and occupancy of this land enacted by the United States of America, the State of Mississippi and its political subdivisions, and particularly including the subdivision regulations and zoning ordinances adopted by ordinances of the Board of Supervisors of DeSoto County, Mississippi, none of which render title unmarketable.

Highway 50 South, Hernando, MS 38632 • 662.429.4397

This is said property is believed to be good, but I will convey only such title as is vested in me as Substituted Trustee.  
 WITNESS my signature, this the 16th day of March, 2009.  
 /s/ Thomas D. McDonough  
 THOMAS D. MCDONOUGH  
 SUBSTITUTED TRUSTEE  
 STATE OF MISSISSIPPI  
 COUNTY OF UNION  
 Personally appeared before me, the undersigned authority in and for said County and State, the within named Thomas D. McDonough, who acknowledged that he signed and delivered the foregoing Notice of Substituted Trustee's Sale on the day and year therein mentioned and posted same on the bulletin board of the Desoto County Courthouse in Hernando, Mississippi.  
 GIVEN under my hand and seal on this the 16th day of March, 2009.  
 /s/ Paulette G. Coltharp  
 NOTARY PUBLIC  
 Seal  
 MY COMMISSION EXPIRES: Oct. 14, 2011  
 March 19, 26, April 2, 9, 2009

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