

STATE OF MISSISSIPPI
COUNTY OF DESOTO

SUBSTITUTED TRUSTEE'S DEED

WHEREAS, on May 24, 2005, J & S VENTURES, LLC, executed a certain Deed of Trust to KENT DAVIS, TRUSTEE for the benefit of FIRST CAPITAL BANK F/K/A FIRST SOURCE BANK, which Deed of Trust is recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi in Book 2224, Page 364; and

WHEREAS, FIRST CAPITAL BANK substituted ERIC L. SAPPENFIELD as Trustee in place and lieu of KENT DAVIS, by instrument dated April 17, 2009, and recorded in the Chancery Clerk of DeSoto County, Mississippi, in Book 3021, Page 764; 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, FIRST CAPITAL BANK, 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.

WHEREAS, the undersigned Substituted Trustee in accordance with the terms of the Deed of Trust and the laws of the State of Mississippi did advertise said sale in THE DESOTO TIMES, a newspaper published and generally circulated in DeSoto County, Mississippi, for four consecutive weeks preceding the date of the sale. The first notice publication appeared May 7, 2009 and subsequent notices appeared on May 14, 2009, May 21, 2009, and May 28, 2009. Proof of publication is attached hereto and incorporated herein by reference as Exhibit "A".

WHEREAS, on May 29, 2009, at the East Door of the County Courthouse of DeSoto County, Hernando, Mississippi, commencing at 11:00 A.M., I the undersigned Substituted Trustee did offer for sale and sell said property for cash to the highest bidder the following described property, lying and being situated in DeSoto County, Mississippi, to wit:

Eric

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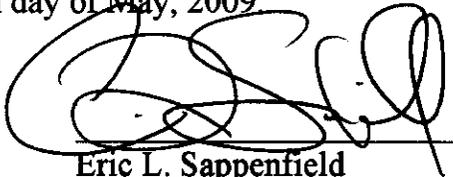
Lot 3, Country Creek Subdivision, in Section 34, Township 1 South, Range 7 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 63, Page 15, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

The undersigned Substituted Trustee offered said property for sale at public outcry as set forth above and there appeared FIRST CAPITAL BANK, who bid the amount of \$530,000.00, and this being the highest and best bid, said FIRST CAPITAL BANK, was declared the successful bidder and the same was then and there struck off to said FIRST CAPITAL BANK.

NOW THEREFORE, in consideration of the premises and in consideration of the price and sum of \$530,000.00, cash in hand paid, receipt of which is hereby acknowledged, I, the undersigned Substituted Trustee, do hereby sell and convey unto FIRST CAPITAL BANK, the land and property above described, together with all improvements thereon.

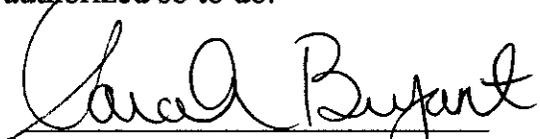
Title to this property is believed to be good, but I will convey only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE this the 29th day of May, 2009


Eric L. Sappenfield
Substituted Trustee

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY appeared before me the undersigned authority in and for the said county, and state, on this 29th day of May, 2009, within my jurisdiction, the within named ERIC L. SAPPENFIELD, who acknowledged that he is Substituted Trustee of FIRST CAPITAL BANK, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized so to do.


Notary Public Sarah Bryant

My Commission Expires:
June 21, 2011



GRANTOR'S ADDRESS:
6858 Swinnea Road
5 Rutland Place,
Southaven, MS 38671

wk: 662-349-3436
hm: n/a

GRANTEE'S ADDRESS
7575 Poplar Avenue
Germantown, TN 38138

wk: 901-752-6235
hm: n/a

This instrument prepared by and return to:
Eric L. Sappenfield, PLLC
Attorney at Law
MS Bar #6468
6858 Swinnea Road
#5 Rutland Place
Southaven, MS 38671
662-349-3436
foreclosures/12746STD

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-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 hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

SUBSTITUTED TRUSTEE'S NOTICE OF SALE

WHEREAS, on May 24, 2005, J & S VENTURES, LLC executed a certain Deed of Trust to KENT DAVIS, TRUSTEE for the benefit of FIRST CAPITAL BANK F/K/A FIRST SOURCE BANK, which Deed of Trust is of record in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Book 2224, Page 364.

WHEREAS, FIRST CAPITAL BANK has heretofore substituted ERIC L. SAPPENFIELD as Trustee in place and lieu of KENT DAVIS by instrument dated April 17, 2009, and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi in Book 3021, Page 764; 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, FIRST CAPITAL BANK, 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 expenses of sale.

NOW, THEREFORE, I, ERIC L. SAPPENFIELD, SUBSTITUTED TRUSTEE, under the provisions of and by virtue of the authority conferred upon me in the same Deed of Trust, will on the 29th day of May, 2009, commencing at 11:00 o'clock a.m., at the East Door of the County Courthouse of DeSoto County in Hernando, Mississippi, offer for sale and sell said property for cash to the highest bidder, the following described property lying and being situated in DeSoto County, Mississippi:

Lot 3, Country Creek Subdivision, in Section 34, Township 1 South, Range 7

- Volume No. 114 on the 7 day of May, 2009
Volume No. 114 on the 14 day of May, 2009
Volume No. 114 on the 21 day of May, 2009
Volume No. 114 on the 28 day of May, 2009
Volume No. on the day of 2009
Volume No. on the day of 2009

Diane Smith (handwritten signature)

Sworn to and subscribed before me, this 28 day of May, 2009

Judy A. Douglas (handwritten signature)

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

A. Single first insertion of 380 words @ .12 \$ 45.60
B. 3 subsequent insertions of 1140 words @ .10 \$ 114.00
C. Making proof of publication and depositing to same \$ 3.00
TOTAL PUBLISHER'S FEE: \$ 162.60

The undersigned Substituted Trustee will convey only such title as is vested in him by virtue of the above described Deed of Trust.
WITNESS MY SIGNATURE this 1st day of May, 2009.
Eric L. Sappenfield (MS Bar No. 6468)
Substituted Trustee
6858 Swinnea Road
5 Rutland Place
Southaven, MS 38671
662-349-3436
Publication Dates:
May 7, 2009
May 14, 2009
May 21, 2009
May 28, 2009

