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Prepared By:	Return To:
Kelly E. McCarthy #102732 Morton & Germany, PLLC 45 North Third Street, Suite 201 Memphis, TN 38103 Phone: (901) 522-0050 08-362G	Morton & Germany, PLLC 45 North Third Street, Suite 201 Memphis, TN 38103 Phone: (901) 522-0050 08-362G

GRANTOR:	GRANTEE:
Kelly E. McCarthy #102732 Morton & Germany, PLLC 45 North Third Street, Suite 201 Memphis, TN 38103 Phone: (901) 522-0050	Paragon National Bank c/o Stephen Maury 6300 Poplar Avenue, Suite 117 Memphis, Tennessee 38119 Phone: (901) 273-2900

INDEXING INSTRUCTIONS: Lots 30, 36, 61 and 63, Creekside Estates Subdivision located in Section 21, Township 2 South, Range 6 West, DeSoto County, Mississippi, as shown on plat thereof recorded in Plat Book 96, Page 26-28, in the office of the Chancery Clerk of DeSoto County, Mississippi

**SUBSTITUTED TRUSTEE'S DEED**

WHEREAS, The Better Homes Co., LLC, as Grantor, executed that certain Deed of Trust to Joseph M. Sparkman, Jr., Trustee, for the benefit of Paragon National Bank, as Beneficiary, bearing the date of February 1, 2006, which Deed of Trust is recorded in Deed of Trust Book

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2409, at Page 375, et seq., on February 10, 2006, of the land records in the Office of the Chancery Clerk of DeSoto County, located in Hernando, Mississippi ("Deed of Trust"); and

WHEREAS, Paragon National Bank has heretofore substituted the undersigned Kelly E. McCarthy as Trustee in the place and in lieu of the original trustee named in said Deed of Trust by instrument dated September 11, 2009, and recorded in said office at Book 3079, Page 40; 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 due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said Deed of Trust and the indebtedness secured thereby, Paragon National Bank, having requested the undersigned Substituted Trustee to execute the trust and to 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; and

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-Tribune, a newspaper of general circulation published for more than one year next preceding the date of the first publication, in the County of DeSoto, State of Mississippi, on January 7, 14, 21 and 28, 2010 as evidenced by the Proof of Publication (copy attached hereto as Exhibit "A"); and by posting on the 6th day of January, 2010, a copy of the Substituted Trustee's Notice of Sale (copy attached hereto as Exhibit "B") on the bulletin board in the DeSoto County Chancery Courthouse Building, 2535 Hwy 51 South, Hernando, Mississippi; and

WHEREAS, on the 2nd day of February, 2010 at the East front door of the DeSoto County Chancery Courthouse Building, DeSoto County, State of Mississippi, at Hernando, between the hours of 11:00 A.M. and 4:00 P.M., I the undersigned Substituted Trustee, did offer

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for sale at public outcry and did sell to the highest and best bidder for cash the following described land and property situated in DeSoto County, State of Mississippi, to-wit:

Lots 30, 36, 61 and 63, Creekside Estates Subdivision located in Section 21, Township 2 South, Range 6 West, DeSoto County, Mississippi, as shown on plat thereof recorded in Plat Book 96, Page 26-28, in the office of the Chancery Clerk of DeSoto County, Mississippi;

and

WHEREAS, the undersigned Substituted Trustee offered the aforesaid property for sale at public outcry as set forth above, and there appeared at said sale Paragon National Bank, bidding the sum of Three Hundred Twenty Four Thousand and 00/100 (\$324,000.00) for all the above described property; said property was struck off to Paragon National Bank, for said amount, and said bidder was declared the purchaser thereof, as the highest and best bidder for cash.

NOW, THEREFORE, in consideration of the premises and the sum of Three Hundred Twenty Four Thousand and 00/100 (\$324,000.00) cash in hand paid, the receipt of which is hereby acknowledged, I do hereby sell, quit-claim and convey to Paragon National Bank in fee simple, all of the above described property, conveying only such title as vested in me as Substituted Trustee.

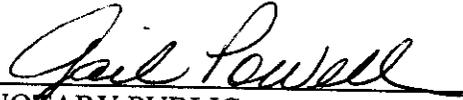
WITNESS MY SIGNATURE on this 2nd day of February, 2010.

  
KELLY E MCCARTHY  
Substituted Trustee

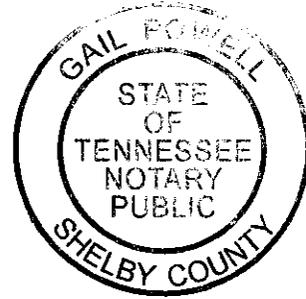
STATE OF TENNESSEE  
COUNTY OF SHELBY

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this 2nd day of February, 2010, within my jurisdiction, the within named KELLY E. MCCARTHY, Substituted Trustee, duly identified before me, who acknowledged that in such representative capacity she executed the above and foregoing Substituted Trustee's Deed as her own free and voluntary act and deed, after first having been authorized so to do.

WITNESS my hand and Notarial Seal at office this 2<sup>nd</sup> day of February, 2010.

  
NOTARY PUBLIC

My Commission Expires: 4-3-2013



# 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 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, the Deed of Trust, Book 3072, Page 40, as amended, and the Deed of Trust, Book 3072, Page 40, as amended, recorded in Deed of Trust Book 2408, at Page 375, et seq., on February 10, 2006, of the land records in the Office of the Chancery Clerk of DeSoto County, located in Hernando, Mississippi (Deed of Trust); and

WHEREAS, Paragon National Bank has heretofore substituted the undersigned Kelly E. McCarthy as Trustee in the place and in lieu of the original trustee named in said Deed of Trust by instrument dated September 11, 2008, and recorded in said office at Book 3072, Page 40;

WHEREAS, default having been made in the terms and conditions of said Deed of Trust and the entire debt secured thereby having been declared due and payable in accordance with the terms of said Deed of Trust and the legal holder of said Deed of Trust and the indebtedness secured thereby, Paragon National Bank having requested the undersigned Substituted Trustee to execute the trust and to sell the real estate 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; and

NOW, THEREFORE, I, Kelly E. McCarthy, Substituted Trustee under said Deed of Trust will, on Tuesday, February 2, 2013, offer for sale at public outcry and without regard to time (being between the hours of 11:00 a.m. and 4:00 p.m.) at the east front door of the DeSoto County Courthouse Building located at 2535 Hwy. 51 S., Hernando, Mississippi, to the highest and best bidder for cash the following described land and property situated in DeSoto County, State of Mississippi, to-wit:

Lots 30, 36, 61 and 63, Creekside Estates Subdivision located in Section 21,

- Volume No. 115 on the 7 day of Jan., 2010
- Volume No. 115 on the 14 day of Jan., 2010
- Volume No. 115 on the 21 day of Jan., 2010
- Volume No. 115 on the 28 day of Jan., 2010
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2010
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

Diane Smith

Sworn to and subscribed before me, this 28 day of Jan., 2010

BY Judith H. Douglas

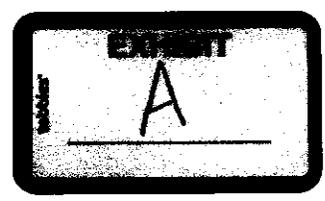
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2013  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



- A. Single first insertion of 482 words @ .12 \$ 57.84
- B. 3 subsequent insertions of 1446 words @ .10 \$ 144.60
- C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 205.44

45 Hwy. 51 South, Hernando, MS 38632 • 662.429.6397 • Fax: 662.429.5229



thereof recorded in Tax  
Book 96, Page 26-28, in the  
office of the Chancery Clerk  
of DeSoto County, Missis-  
sippi

Other interested parties:

Terry Fortwangler

Hendricks Companies, Inc. &  
Memphis South & Door

Mobile Products, Inc.

Sale is made subject to prior

liens, encumbrances, or

trust deeds, if any, now of

record in the office of the

Chancery Clerk, DeSoto

County, Mississippi, and any

lien for any unpaid City or

County property taxes.

Sale is further subject to all

covenants and restrictive

covenants of record.

I will convey only such title as is

vested in me as Substituted

Trustee.

WITNESS MY SIGNATURE on

this 6th day of January,

2010.

Kelly E. McCarthy

Substituted Trustee

MORTON & GERMANY, PLLC

45 North Third Street, Suite 201

Memphis, TN 38103

Telephone: (901) 522-0060

08-3020

PUBLISHED January 7, 14, 21

and 28, 2010.

D'K W BK 626 PG 539

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**SUBSTITUTED TRUSTEE'S NOTICE OF SALE**

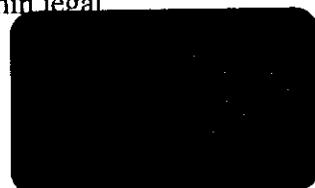
WHEREAS, The Better Homes Co., LLC, as Grantors, executed that certain Deed of Trust to Joseph M. Sparkman, Jr., as Trustee, for the benefit of Paragon National Bank, as Beneficiary, bearing the date of February 1, 2006, which Deed of Trust is recorded in Deed of Trust Book 2409, at Page 375, et seq., on February 10, 2006, of the land records in the Office of the Chancery Clerk of DeSoto County, located in Hernando, Mississippi ("Deed of Trust"); and

WHEREAS, Paragon National Bank has heretofore substituted the undersigned Kelly E. McCarthy as Trustee in the place and in lieu of the original trustee named in said Deed of Trust by instrument dated September 11, 2009, and recorded in said office at Book 3079, Page 40; 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 due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said Deed of Trust and the indebtedness secured thereby, Paragon National Bank having requested the undersigned Substituted Trustee to execute the trust and to 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; and

NOW, THEREFORE, I, Kelly E. McCarthy, Substituted Trustee under said Deed of Trust will, on Tuesday, February 2, 2010, offer for sale at public outcry and sell within legal

2-2-10



hours (being between the hours of 11:00 a.m. and 4:00 p.m.), at the east front door of the DeSoto County Courthouse Building located at 2535 Hwy. 51 S., Hernando, Mississippi, to the highest and best bidder for cash the following described land and property situated in DeSoto County, State of Mississippi, to-wit:

Lots 30, 36, 61 and 63, Creekside Estates Subdivision located in Section 21, Township 2 South, Range 6 West, DeSoto County, Mississippi, as shown on plat thereof recorded in Plat Book 96, Page 26-28, in the office of the Chancery Clerk of DeSoto County, Mississippi

Other interested parties: Terry Fortwengler  
Laura D. Fortwengler  
Hendricks Companies, Inc. & Memphis Sash & Door  
Marble Products, Inc.

Sale is made subject to prior liens, encumbrances or trust deeds, if any, now of record in the office of the Chancery Clerk, DeSoto County, Mississippi and any lien for any unpaid City or County property taxes. Sale is further subject to all easements and restrictive covenants of record.

I will convey only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE on this 6th day of January, 2010.

  
Kelly E. McCarthy  
Substituted Trustee

MORTON & GERMANY, PLLC  
45 North Third Street, Suite 201  
Memphis, TN 38103  
Telephone: (901) 522-0050  
08-362G

**PUBLISH: January 7, 14, 21 and 28, 2010**