

6/15/11 10:18:32
DK W BK 659 PG 254
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

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/13268

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

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

GRANTEE'S ADDRESS
4950 Venture Drive
Southaven, MS 38671

wk: 662-342-8581
hm: n/a

INDEXING INSTRUCTIONS: Part of Lot 57, Green T Subdivision, Section D, 1st Revision, in Section 6, Township 3 South, Range 7 West, as recorded in Plat Book 19, Pages 26-30, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

STATE OF MISSISSIPPI

COUNTY OF DESOTO

SUBSTITUTED TRUSTEE'S DEED

WHEREAS, on June 12, 2008, RICHARD LITWA AND STACY G. LITWA, executed a certain Deed of Trust to THOMAS HUDSON, TRUSTEE for the benefit of BANKPLUS, which Deed of Trust is recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi in Book 2934, Page 694; and

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WHEREAS, BANKPLUS having substituted ERIC L. SAPPENFIELD as Trustee in place and lieu of THOMAS HUDSON, by instrument dated April 27, 2011, and recorded in the Chancery Clerk of DeSoto County, Mississippi, in Book 3296, Page 795; and

WHEREAS, an Order Terminating The Automatic Stay was entered May 2, 2011, in Case Number 09-13990-DWH, in the United States Bankruptcy Court for the Northern District of Mississippi; and

WHEREAS, the aforesaid property is conveyed specifically subject to the right of the United States to redeem the property, as provided in 26 U.S.C. § 7425 (d) (1) and arising as a result of its Notice of Federal Tax Lien, of record in Book 16, Page 69, in the Office of the Chancery Clerk of DeSoto County, Mississippi. Attached hereto as Exhibit "A" is a copy of the notice of sale provided to the United States, together with a copy of the written response of the United States to such notice; 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, BANKPLUS, 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 17, 2011 and subsequent notices appeared on May 24, 2011, May 31, 2011, and June 7, 2011. Proof of publication is attached hereto and incorporated herein by reference as Exhibit "B".

WHEREAS, on June 8, 2011, 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:

INDEXING INSTRUCTIONS: Being Lot 57, Green T Subdivision, Section D, 1st Revision, as recorded in Plat Book 19, Pages 26-30, being more particularly described as follows, to-wit:

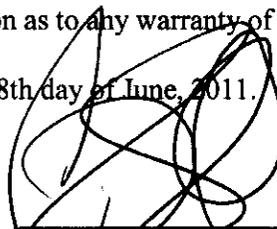
Beginning at the Northwest corner of Lot 57 Green "T" Lake Subdivision Section "D" First Revision as recorded in Plat Book 19, Pages 26-30 of the Chancery Clerk's Office of DeSoto County, Mississippi; said point being on the East right of way of Green "T" Boulevard East and true point of beginning; thence South 89°10'00" East, along the North line of said lot a distance of 261.76 feet to a point; thence South 09°24'00" East a distance of 250.00 feet to a point on the common line between lots 57 and 56; thence North 89°10'00" West, along said common lot line a distance of 261.76 feet to a point on the East right of way of Green "T" Boulevard and the Southwest corner of Lot 57; thence North 09°24'00" West along said right of way a distance of 250.0 feet to the point of beginning containing 1.51 acres more or less, being in Section 6, Township 3 South, Range 7 West, DeSoto County, Mississippi.

The undersigned Substituted Trustee offered said property for sale at public outcry as set forth above and there appeared BANKPLUS, who bid the amount of \$61,854.26, and this being the highest and best bid, said BANKPLUS, was declared the successful bidder and the same was then and there struck off to said BANKPLUS.

NOW THEREFORE, in consideration of the premises and in consideration of the price and sum of \$61,854.26, cash in hand paid, receipt of which is hereby acknowledged, I, the undersigned Substituted Trustee, do hereby sell and convey unto BANKPLUS, 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 and makes no representation as to any warranty of title..

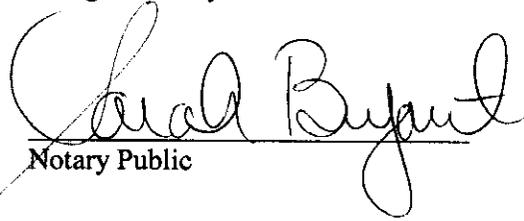
WITNESS MY SIGNATURE this the 8th day of June, 2011.



Eric L. Gappenfield
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 8th day of June, 2011, within my jurisdiction, the within named ERIC L. SAPPENFIELD, who acknowledged that he is Substituted Trustee of BANKPLUS, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized so to do.


Notary Public

My Commission Expires:
June 21, 2011



COPY

DK W BK 659 PG 258

ERIC L. SAPPENFIELD, PLLC
ATTORNEY AT LAW
6658 SWINNEA ROAD
5 RUTLAND PLACE
SOUTHAVEN, MISSISSIPPI 38671

Internal Revenue Service
SBSE-Technical Services
Gulf States - Advisory

MAY 12 2011

Technical Territory Area 6 Call
New Orleans, LA

TELEPHONE: (662) 349-3436

FAX: (662) 349-3189

visit us @ www.ericappenfield.com

May 5, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Internal Revenue Service
District Director
U.S. Federal Building, Room 504
100 West Capitol Street
Jackson, MS 39269
Attn: Chief, Special Procedure Staff

RE: Federal Tax Lien

Dear Sir:

1. The Internal Revenue District which originated the Notice to the Federal Tax Lien is Nashville, Tennessee.
2. The name of the tax payer shown in the Notice is ALBERT RICHARD LITWA JR..
3. The Serial Identification Number shown on the Notice is 547175709. The Notice dated May 12, 2009, was filed May 20, 2009, in Book 16, Page 69, in the Office of the Chancery Clerk of DeSoto County, Mississippi, and is in the amount of \$37,934.92. A copy of said Notice is attached hereto.
4. The resident's address on the Notice is P.O. Box 1016, Southaven, MS 38671-0011.
5. The description of the property being foreclosed on is:

INDEXING INSTRUCTIONS: Being Lot 57, Green T Subdivision, Section D, 1st Revision, as recorded in Plat Book 19, Pages 26-30, bring more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot 57 Green "T" Lake Subdivision Section "D"

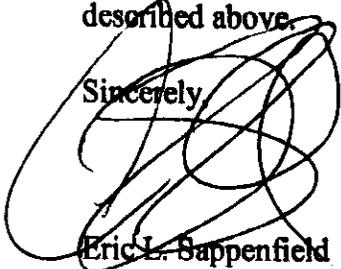
EXHIBIT "A"

First Revision as recorded in Plat Book 19, Pages 26-30 of the Chancery Clerk's Office of DeSoto County, Mississippi; said point being on the East right of way of Green "T" Boulevard East and true point of beginning; thence South 89°10'00" East, along the North line of said lot a distance of 261.76 feet to a point; thence South 09°24'00" East a distance of 250.00 feet to a point on the common line between lots 57 and 56; thence North 89°10'00" West, along said common lot line a distance of 261.76 feet to a point on the East right of way of Green "T" Boulevard and the Southwest corner of Lot 57; thence North 09°24'00" West along said right of way a distance of 250.0 feet to the point of beginning containing 1.51 acres more or less, being in Section 6, Township 3 South, Range 7 West, DeSoto County, Mississippi.

6. The property is scheduled to sell for cash to the highest and best bidder on June 8, 2011, commencing at 11:00 o'clock A.M., at the East Door of the County Courthouse of DeSoto County, Hernando, Mississippi. A copy of the Substituted Trustee's Notice of Sale is attached hereto.
7. The property is secured by a Deed of Trust dated June 12, 2008, in favor of BANKPLUS. A copy of said Deed of Trust is attached hereto.
8. The total amount of the payoff as of April 26, 2011 is \$61,178.77. The fees and expenses of the sale are estimated to be \$3,500.00.

You are hereby notified under the provisions of the Internal Revenue Code and other applicable authorities that my client, BANKPLUS, is the holder and owner of the Deed of Trust described hereby. This Notice is served on you in accordance with the terms of the Federal Tax Lien Act of 1966, as amended, not less than twenty-five (25) days prior to the sale date of the property described above.

Sincerely,


Eric L. Sappenfield
Attorney at Law

Enclosures: Copy of Notice of Lien
Copy of Deed of Trust
Copy of Substituted Trustee's Notice of Sale

cc: Tom Hudson, BankPlus
Greg Guy, BankPlus



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

DK W BK 659 PG 260

SMALL BUSINESS/SELF-EMPLOYED DIVISION

April 1, 2011

RE: Nonjudicial foreclosure sales and adequate notice

Dear Sir/Madame:

My office will no longer stamp nonjudicial foreclosure sale notices as adequate. Beginning today, we will follow the procedures outlined in the *Code of Federal Regulations* § 301.7425-3T(d) (3). If your office provides a duplicate of the notice of sale with a written request for acknowledgement, then we will stamp the duplicate with the date that it was received and return it.

Any notice of sale containing the name and address of the person submitting it that is received by this office not less than 25 days prior to the sale date will be considered adequate, unless that person receives written notification that the notice is inadequate more than 5 days prior to the sale date.

Please note that the correct address for nonjudicial foreclosure sale notices for the states of Alabama, Louisiana, and Mississippi is shown below:

Internal Revenue Service
1555 Poydras Street, Suite 220
Stop 65
New Orleans, LA 70112-3747

Phone#: (504)558-3465
Fax#: (504)558-3490

Sincerely,

Charles Waldrop
Advisory Group Manager
Employee ID#: 0341228

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 June 12, 2008, RICHARD LITWA, AND STACY G. LITWA, executed a certain Deed of Trust to THOMAS HUDSON, TRUSTEE for the benefit of BANKPLUS, which Deed of Trust is of record in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Book 2934, Page 694.

WHEREAS, BANKPLUS has heretofore substituted ERIC L. SAPPENFIELD as Trustee in place and lieu of THOMAS HUDSON by instrument dated April 27, 2011, and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Book 3296, Page 795; and

WHEREAS, an Order Terminating The Automatic Stay was entered May 2, 2011, in Case Number 09-13990-DWH, in the United States Bankruptcy Court for the Northern District of Mississippi; and

WHEREAS, such property is subject to a Notice of Federal Tax Lien in favor of the United States, of record in Book 16, Page 69, Chancery Clerk's Office for DeSoto County, Mississippi. Notice of said sale required by 26 U.S.C. §7425 (b) to be given to the United States has been timely given, and said sale will be subject to the right of the United States to redeem such property, as provided in 26 U.S.C. §7425 (d)(1);

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, BANKPLUS, 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 sum due thereunder, together with attorney's fees, trustee's fees and expenses of sale.

Volume No. 116 on the 17 day of May, 2011

Volume No. 116 on the 24 day of May, 2011

Volume No. 116 on the 31 day of May, 2011

Volume No. 116 on the 7 day of June, 2011

Volume No. on the day of , 2011

Volume No. on the day of , 2011

Diane Smith (Signature)

Sworn to and subscribed before me, this 7 day of June, 2011

BY Judy Douglas (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 641 words @ .12 \$ 76.92

B. 3 subsequent insertions of 1923 words @ .10 \$ 192.30

C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 272.22

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 8th day of June, 2011, sell during the legal hours between 11:00 o'clock a.m. and 4:00 o'clock p.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:

INDEXING INSTRUCTIONS:
Being Lot 57, Green T Subdivision, Section D, 1st Revision, as recorded in Plat Book 19, Pages 26-30, being more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot 57 Green "T" Lake Subdivision Section "D" First Revision as recorded in Plat Book 19, Pages 26-30 of the Chancery Clerk's Office of DeSoto County, Mississippi, said point being on the East right of way of Green "T" Boulevard East and true point of beginning; thence South 89°10'00" East, along the North line of said lot a distance of 261.76 feet to a point; thence South 09°24'00" East a distance of 250.00 feet to a point on the common line between lots 57 and 56; thence North 89°10'00" West, along said common lot line, a distance of 261.76 feet to a point on the East right of way of Green, "T" Boulevard and the Southwest corner of Lot 57; thence North 09°24'00" West along said right of way a distance of 250.0 feet to the point of beginning containing 1.51 acres more or less, being in Section 6, Township 3 South, Range 7 West, DeSoto County, Mississippi.

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 5th day of May, 2011.

/s/ Eric L. Sappenfield

Eric L. Sappenfield (MS Bar No. 6466)

Substituted Trustee
6858 Swinnea Road
5 Rutland Place
Southaven, MS 38671
662-349-3436

Publication Dates:
May 17, 2011
May 24, 2011
May 31, 2011
June 7, 2011