

9/04/12 1:52:36
BK W BK 689 PG 232
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/13510

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

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

GRANTEE'S ADDRESS
1068 Highland Colony Parkway
Ridgeland, MS 39157

wk: 601-898-4840
hm: n/a

INDEXING INSTRUCTIONS: Lot 6, 1st Revision, Interstate Commons Subdivision, situated in Section 36, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 35, Page 11, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

STATE OF MISSISSIPPI
COUNTY OF DESOTO

SUBSTITUTED TRUSTEE'S DEED

WHEREAS, on November 15, 2010, BEN W. SMITH AND GAIL M. SMITH, executed a certain Deed of Trust to THOMAS R. 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 3250, Page 429;

WHEREAS, BANKPLUS has heretofore substituted ERIC L. SAPPENFIELD as Trustee in place and lieu of THOMAS R. HUDSON by instrument dated July 19, 2012, and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi in Book 3474, Page 525;

WHEREAS, an Order Approving Creditor's Motion for Relief from the Automatic Stay was entered July 13, 2012, in Case Number 11-15136-DWH, in the United States Bankruptcy Court for the Northern District of Mississippi; 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-TRIBUNE, 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 August 9, 2012 and subsequent notices appeared on August 16, 2012, August 23, 2012, and August 30, 2012. Proof of publication is attached hereto and incorporated herein by reference as Exhibit "A".

WHEREAS, on August 31, 2012, at the East Door of the County Courthouse of DeSoto County, Hernando, Mississippi, commencing between the legal hours of 11:00 A.M. and 4:00 P.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:

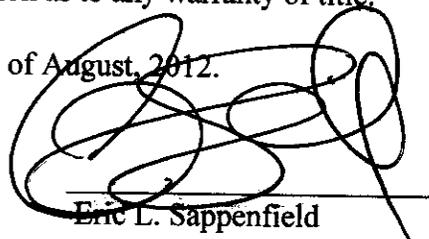
Lot 6, 1st Revision, Interstate Commons Subdivision, situated in Section 36, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 35, Page 11, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

The undersigned Substituted Trustee offered said property for sale at public outcry as set forth above and there appeared BANKPLUS, who bid the amount of \$160,467.30, 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 \$160,467.30, 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.

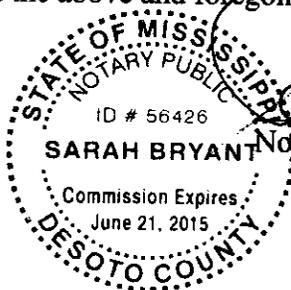
WITNESS MY SIGNATURE this the 31st day of August, 2012.

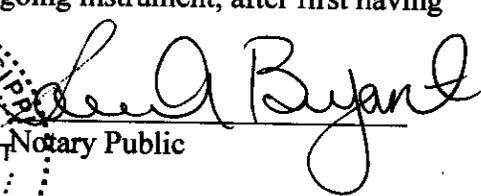

Eric L. Sappenfield
Substituted Trustee

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY appeared before me the undersigned authority in and for the said county, and state, on this 31st day of August, 2012, 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.

My Commission Expires:
06-21-2015




Notary Public

AFFP
NOS: Smith

Affidavit of Publication

DESOTO TIMES-TRIBUNE

STATE OF MISSISSIPPI } SS
COUNTY OF DESOTO }

DIANE SMITH, being duly sworn, says:

That she is a Clerk of the DESOTO TIMES-TRIBUNE, a newspaper of general circulation in said county, published in Hernando, DeSoto County, Mississippi; that the publication, a copy of which is printed hereon, was published in the said newspaper on the following dates:

August 09, 2012, August 16, 2012, August 23, 2012, August 30, 2012

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Diane Smith

Clerk

Subscribed to and sworn to me this 30th day of August 2012.

Judy Douglas

JUDY DOUGLAS, Notary, DeSoto County, Mississippi

My commission expires: January 16, 2013

00002969 00013541 342-3189

Sarah
Eric L. Sappenfield/Legal
6858 Swinnea Rd #5
Southaven, MS 38671



SUBSTITUTED TRUSTEE'S NOTICE OF SALE

WHEREAS, on November 15, 2010, BEN W. SMITH AND GAIL M. SMITH, executed a certain Deed of Trust to THOMAS R. 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 3250, Page 429.

WHEREAS, BANKPLUS has heretofore substituted ERIC L. SAPPENFIELD as Trustee in place and lieu of THOMAS R. HUDSON by instrument dated July 19, 2012, and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi in Book 3474, Page 525; and

WHEREAS, an Order Approving Creditor's Motion for Relief from the Automatic Stay was entered July 16, 2012, in Case Number 11-10768-B-11 in the United States Bankruptcy Court for the Northern District of Mississippi; 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 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 31st day of August, 2012, 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:

Lot 6, 1st Revision, Interstate Commons Subdivision, situated in Section 36, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 35, Page 11, in the Office of the Chancery Clerk of 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 7th day of August, 2012.

/s/ Eric L. Sappenfield
Eric L. Sappenfield (MS Bar No. 6468)
Substituted Trustee
6858 Swinnea Road
5 Rutland Place
Southaven, MS 38671
662-349-3436

Publication Dates:
August 9, 2012
August 16, 2012
August 23, 2012
August 30, 2012

EXHIBIT "A"