

NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on August 17, 2012, a certain Home Equity Conversion Deed of Trust ("Reverse Mortgage") was executed by BETTY LOU BROOKS AND KENNETH BROOKS, as mortgagor in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR PROFICIO MORTGAGE VENTURES, LLC, ITS SUCCESSORS AND ASSIGNS, as mortgagee and First American Title Insurance Company, as trustee, and was recorded on September 11, 2012 under Clerk's Instrument Number 147797, Book 617, Page 701-710 in the real property records of Carroll, Tennessee.

WHEREAS, the Reverse Mortgage was insured by the United States Secretary of Housing and Urban Development (the "Secretary") pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS, the beneficial interest in the Reverse Mortgage is now owned by the Secretary, pursuant to an assignment dated October 12, 2018, and recorded on January 22, 2019, under Clerk's Instrument Number 176311, Book 676, Page 399-400 in the real property records of Carroll County, Tennessee; and

WHEREAS, a default has been made in the covenants and conditions of the Reverse Mortgage in that the Mortgagors no longer occupies the property; and

WHEREAS, the entire amount delinquent as of October 5, 2022 is \$60,014.97; and

WHEREAS, by virtue of the default, the Secretary has declared the entire amount of the indebtedness secured by the Reverse Mortgage to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner, recorded in the real property records of Carroll County, Tennessee under Book 722, Page 891, Instrument number 195591, notice is hereby given that on October 5, 2022, on or about 11:00AM local time, all real property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

A CERTAIN TRACT OR PARCEL OF LAND IN THE 11TH CIVIL DISTRICT OF CARROLL COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS:

A CERTAIN HOUSE AND LOT LOCATED IN THE TOWN OF HUNTINGDON AND ON THE SOUTHEAST SIDE OF MEBANEWOOD DRIVE AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE AT THE INTERSECTION OF MEBANEWOOD DRIVE WITH BROWNING AVENUE, RUNS THENCE SOUTH WITH THE WEST MARGIN OF BROWNING AVENUE 143 FEET TO A STAKE; THENCE SOUTH 52 DEGREES WEST 55 FEET TO A STAKE, CHESTER LACKI'S SOUTHEAST CORNER; THENCE NORTH 26 DEGREES WEST 140 FEET TO A STAKE IN THE SOUTHEAST MARGIN OF MEBANEWOOD DRIVE; THENCE WITH THE RIGHT-OF-WAY OF SAID DRIVE NORTH 64 DEGREES EAST 115 FEET TO THE POINT OF BEGINNING, BEING LOT NO. 25 OF THE JOE F. VICKERS SUB-DIVISION TO THE TOWN OF HUNTINGDON, A PLAT OF WHICH APPEARS OF RECORD IN DEED BOOK 102, PAGE 269, OFFICE OF THE REGISTER FOR CARROLL COUNTY.

AND BEING THE SAME PROPERTY CONVEYED TO BETTY LOU LOVEALL, A SINGLE WOMAN, BY DEED FROM OLLIE LEE YARBROUGH, A WIDOW, ONE-HALF (1/2) UNDIVIDED INTEREST, DATED MAY 01, 1985, AND RECORDED MAY 01, 1985, IN BOOK 217, PAGE 499, AMONG THE LAND RECORDS OF CARROLL COUNTY, STATE OF TENNESSEE. REF. DEED BOOK 358, PAGE 538 ROCCT

TAX ID NO. 073 E G 008.00

Commonly known as: 312 Mebanewood Drive, Huntingdon, TN 38344.

Tax ID: 073E-G-008.00

The sale will be held in Carroll County, Tennessee at the following location: at the East door, Carroll County Courthouse, Huntingdon, Tennessee.

The Secretary of Housing and Urban Development will bid \$54,950.61.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his prorated share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders except the Secretary must submit a deposit totaling \$5,495.06 in the form of a certified check or cashier's check made out to the Secretary of HUD. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$5,495.06 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount, like the bid deposits, must be delivered in the form of a certified or cashier's check. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15-day increments for a fee of \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary of HUD. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extension of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the foreclosure commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

Other interested Parties: SECRETARY OF HOUSING & URBAN DEVELOPMENT AND UNKNOWN HEIRS OF KENNETH BROOKS.

If applicable, the notice requirements of T.C.A. §35-5-101 have been met.

If the U.S. Department of Treasury/IRS, the State of Tennessee Department of Revenue, or the State of Tennessee Department of Labor or Workforce Development are listed as Interested Parties in the advertisement, then the Notice of this foreclosure is being given to them and the Sale will be subject to the applicable governmental entities' right to redeem the property as required by 26 U.S.C. 7425 and T.C. A. §67-1-1433.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than 3 days before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before public auction of the property is completed.

The amount that must be paid if the mortgage is to be paid in full prior the scheduled sale is \$54,950.61, plus all other amounts that would be due under the mortgage agreement if payments under the mortgage had not been accelerated, advertising costs and postage expenses incurred in giving notice, mileage by the most reasonable road distance for posting notices and for the Foreclosure Commissioner's attendance at the sale, reasonable and customary costs incurred for title and lien record searches, the necessary out-of-pocket costs incurred by the Foreclosure Commissioner for recording documents, a commission for the Foreclosure Commissioner, and all other costs incurred in connection with the foreclosure prior to reinstatement.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

Date: August 26, 2022

JP Sellers, Foreclosure Commissioner
Mackie Wolf Zientz & Mann, P.C.
7100 Commerce Way, Suite 273, Brentwood, TN 37027
(615) 238-3630 (615) 777-4517 Fax
MWZM File: 22-000027-430-1

TN INVESTORS PAGE: [HTTP://MWZMLAW.COM/TN_INVESTORS.PHP](http://MWZMLAW.COM/TN_INVESTORS.PHP)