

SUCCESSOR TRUSTEE'S NOTICE OF SALE

Whereas, by Deed of Trust dated March 11, 1997, and of record at GI Book 4833, Page 15, in the Register's Office for Hamilton County, Tennessee, James R. Hamby and Renee Lynn Hamby conveyed to Everett L. Hixson, Jr., Trustee, the hereinafter described property to secure the payment of the Promissory Note owing to Union Planters Bank National Association, now known as Regions Bank (the "Beneficiary"). On April 8, 2005, Walter N. Winchester of Knoxville, Tennessee, was appointed and designated Successor Trustee pursuant to the terms of said Deed of Trust by the Beneficiary. Default has been made in the payment of said indebtednesses, now past due, the entire balances of which having been declared due and payable in accordance with the terms of said Note and Deed of Trust, and the owner and holder of said Notes has directed me, the undersigned Successor Trustee, to foreclose said Deed of Trust in accordance with the terms thereof and to sell said property.

NOW, THEREFORE, by virtue of the authority vested in me by said Deed of Trust, at 10:30 a.m. local time on October 21, 2005, at the door to 2nd floor of the Courthouse, on the Walnut Street side of the building, in Chattanooga, Hamilton County, Tennessee, I will read this notice and convene the sale, then adjourn the sale until Noon on October 21, 2005, at which time said sale will be reconvened at the actual location of the property described below at 3898 Hixson Pike, Chattanooga, Tennessee, at which time and place I will sell the following described Real Estate AT PUBLIC AUCTION to the last, highest and best bidder FOR CASH (on such terms as announced at sale), free from all equitable rights of redemption, statutory right of redemption, homestead, dower, and all other exemptions and redemptive rights of every kind, all of which were expressly waived and surrendered by the terms of said Deeds of Trust, subject, however, to such prior encumbrances, easement, leases, objections, restriction, out-conveyances, ad valorem taxes (current and delinquent), and any tax liens that may appear of record, the following described real estate (the "Real Estate"):

Located in the City of Chattanooga, Hamilton County, Tennessee:

Beginning at the intersection of the South line of Hixson Pike and the Western line of Kensington Drive with said line extended; thence Westwardly along the South line of Hixson Pike 100 feet to a point; thence South 10 deg. 51 min. East 222 feet to a point in the Northern line of Lot 31 of said block; thence North 79 deg. 09 min. East along said line 98.1 feet to a point in the Western line of Kensington Drive; thence Northwardly along said line, 224.5 feet to the point of beginning. LESS AND EXCEPT that part used in rounding the intersection of Hixson Pike and Kensington Drive.

BEING the same property conveyed to James R. Hamby and wife, Renee Lynne Hamby by Deed dated January 19, 1995, and of record at GI Book 4456, Page 280, in the Register's Office for Hamilton County, Tennessee.

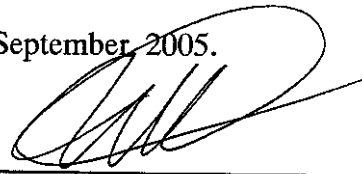
The Real Estate bears the street address of 3898 Hixson Pike, Chattanooga, Tennessee 37415. In the event of a discrepancy between any street address and the property description set forth above, the property description shall control.

The Real Estate will be sold AS IS WHERE IS with no warranties or representations of any kind, express or implied, and including warranty for a particular purpose. The Successor Trustee may sell the above described Real Property together as a whole or in lots, parcels, or tracts, as announced at the sale, and no such successive sales shall exhaust the power of sale. The aforesaid sale may be postponed to a later date by oral announcement at the time and place of the published sale or cancelled without further written notice or publication. The Successor Trustee reserves the right to take or accept the next highest, or best bid, at such sale should the last and highest bidder fail or refuse to comply with the terms of sale for any reason. In such event, the Successor Trustee shall also reserve the right to reopen the bidding or republish and sell said Real Estate at the option of the undersigned. The Beneficiary may bid on said Real Estate and the Successor Trustee reserves the right to conduct the sale by or through his agents or attorneys acting in his place or stead, including the use of an auctioneer.

Pursuant to T.C.A. §35-5-104 and 26 U.S.C. §7425, the following lien claimed by the United States of America pursuant to 26 U.S.C. §7425 may apply to said Real Property, for which timely notice as required by §35-5-104 and 26 U.S.C. §7425 has been given by the undersigned to the United States of America and its authorized agents: Notice of Federal Tax of record at GI Book 7323, Page 414, in the Register's Office for Hamilton County, Tennessee, and Notice of Federal Tax Lien of record at GI Book 7344, Page 827, in the Register's Office for Hamilton County, Tennessee. This sale is subject to the United States of America's right of redemption provided by 26 U.S.C. §7425.

OTHER INTERESTED PARTIES: (1) Deed of Trust in favor of Charles Culbertson of record at GI Book 4456, Page 288, in the Register's Office for Hamilton County, Tennessee, and references is also made to the Subordination Agreement of record at GI Book 4833, Page 20, in the Register's Office for Hamilton County, Tennessee; and (2) Judgment Lien in favor of Scott N. Brown, Chapter 7 Trustee, of record at GI Book 7619, Page 183, in the Register's Office for Hamilton County, Tennessee.

Witness my hand this the 21st day of September, 2005.



Walter N. Winchester, Successor Trustee

Winchester, Sellers, Foster & Steele
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Phone: (865) 637-1980

Publish Dates:

September 26, 2005
October 3, 2005
October 10, 2005