

SUCCESSOR TRUSTEE'S NOTICE OF SALE

Whereas, by Deed of Trust dated May 16, 2003, and of record at GI Book 6693, Page 713, in the Register's Office for Hamilton County, Tennessee, Terry Case and Tracy Case conveyed to Richard G. Rhodes, Sr., Trustee, the hereinafter described property to secure the payment of the Promissory Note owing to Regions Bank (the "Beneficiary"). On May 12, 2004, Robert G. Norred, Jr., was named Successor Trustee by Appointment of Successor Trustee of record at GI Book 7128, Page 998, in said Register's Office. On May 4, 2005, Walter N. Winchester of Knoxville, Tennessee, was appointed and designated Successor Trustee pursuant to the terms of said Deeds 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 Deeds of Trust, at 10:00 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 1:30 P.M on October 21, 2005, at which time said sale will be reconvened at the actual location of part of the property described below at 500 McBrien Road, East Ridge, 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, EASEMENTS, LEASES, OBJECTIONS, CONDITIONS, RESTRICTIONS, OUT-CONVEYANCES, AD VALOREM TAXES (current and delinquent), and PRIORITY TAX LIENS (IF ANY) AS MAY APPEAR OF RECORD, the following described real estate (the "Real Estate"):

ALL THOSE TRACTS OR PARCELS OF LAND LYING AND BEING IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT ONE:

BEING a parcel of land containing 4.5 acres, more or less, and being the North one-half of a 9.1 acre tract designated or known as Tract A, as shown on plat of survey by Betts

Engineering Company dated May 28, 1957, Drawing No. 4536-8-738, and described as follows: BEGINNING at the Northeast corner of Lot No. One (1), Block No. Eighteen (18), Hamilton Place Subdivision as shown by plat of record recorded in Plat Book 18, Page 35 in the Register's Office of Hamilton County, Tennessee; thence along the Eastern line of said Block No. 18, South 22 degrees 05 minutes West 254 feet to an iron pipe corner; thence South 67 degrees 35 minutes East a distance of 712 feet to an iron pipe corner in the Northwest line of Lot No. 6, Block C, of Sunny Dell Subdivision; thence along the Northwestern line of Lots No. 6 and 7, in said block, North 68 degrees 49 minutes East 58.1 feet to an iron pin corner; thence along the Northwestern line of Lots 7, 8, and 9, in said Block C, of Sunny Dell Subdivision, North 40 degrees 37 minutes East 224 feet to an old concrete monument in the South line of the Roy Crowe property, thence along said line, North 67 degrees 35 minutes West a distance of 823.4 feet to the POINT OF BEGINNING.

TRACT TWO:

LOTS 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, and 32, Dr. W.G. Bogart Tract, Subdivision of the South Portion as shown by plat recorded in Plat Book 12, Page 42 in the Register's Office of Hamilton County, Tennessee; and any portion of land lying between Lot 30 Dr. W.G. Bogart Tract and the West right-of-way line of Altamaha Street; LESS AND EXCEPT any portion of Lot 32 Dr. W.G. Bogart Tract Subdivision used in the widening or relocating of Altamaha Street.

TRACT THREE:

BEGINNING at a point lying in the East right-of-way line of Altamaha Street, said point also marking the most Northwest corner of Lot Ten (10), Sunny Dell Subdivision as shown by plat of record in Plat Book 18, Page 70 in the Register's Office of Hamilton County, Tennessee, thence with and along the East right-of-way line of Altamaha Street and along the North right-of-way line of Anderson Avenue the following calls and distances: thence North 40 degrees 18 minutes 24 seconds East 35.66 feet to a point; thence along a curve to the left, said curve having a delta angle of 107 degrees 03 minutes 24 seconds and a radius of 75 feet, tangent of 101.46 feet and length of 140.14 feet to a point, said point lying in the North right-of-way line of Anderson Avenue; thence leaving said road, South 66 degrees 45 minutes 00 seconds East 94.68 feet to a point; thence North 39 degrees 31 minutes 00 seconds East 8.29 feet to a point; thence North 23 degrees 15 minutes 00 seconds East 40 feet to a point; thence South 66 degrees 45 minutes 00 seconds East 389.98 feet to a point; thence North 23 degrees

15 minutes 00 seconds East 10 feet to a point; thence South 66 degrees 45 minutes 00 seconds East 393.65 feet to a point; thence North 23 degrees 45 minutes 36 seconds East 100.76 feet to a point; thence North 23 degrees 55 minutes 00 seconds East 359.54 feet to a point; thence South 68 degrees 10 minutes 34 seconds East 839.49 feet to a point; thence South 28 degrees 09 minutes 26 seconds West 75 feet to a point, said point lying in the centerline at Spring Creek; thence with and along the meanders of Spring Creek with a chord bearing of South 42 degrees 43 minutes 22 seconds West 651.51 feet to a point; thence leaving said Spring Creek, North 66 degrees 00 minutes 13 seconds West 1440.20 feet to a point lying in the East right-of-way line of aforementioned Altamaha Street, said point also marking the point of Beginning and being further shown on a survey by J. Clifton Fite, TN. Reg. License #2057, dated September 15, 1999, Project No. 99-21: Address: 5726 Marlin Road, Chattanooga, Tennessee 37411.

TRACT FOUR:

LOTS 11, 13, and part of 15, Dr. W.G. Bogart Tract, Subdivision of the South Portion as shown by plat recorded in Plat Book 12, Page 42 in the Register's Office of Hamilton County, Tennessee, and more particularly described as follows:

BEGINNING at a point lying in the North right-of-way line of Anderson Street, a/k/a Twelfth Street, said point also marking the Southwest corner of lot 9, Dr. W.G. Bogart tract as shown by plat of record in Plat Book 12, Page 42 in the Register's Office, Hamilton County, Tennessee; thence leaving said street, Northwardly along East line of said lot 9, 154.4 ft. to the Northeast corner of said lot 9; thence South 45 degrees 55 minutes 30 seconds East 121.38 ft (plat South 45 degrees 54 minutes East 121.40 ft) to a P.K. nail; thence South 38 degrees 27 minutes West 151.18 ft (Deed 145.64') to a point lying in the North right-of-way line of said Anderson Street; thence with and along said Anderson Street in a Northwestwardly direction 133.4 ft. to a point, said point marking the point of beginning.

TRACT FIVE:

LOTS 2, 4, 6, 8, 75, 76 and 77 Dr. W.G. Bogart Tract, subdivision of the South portion as shown by plat recorded in Plat Book 12, Page 42 in the Register's Office of Hamilton County, Tennessee.

The Grantor's source of interest in the property is a Deed recorded in Book 4846, page 661, and as corrected by Warranty Deed of Correction in Book 5477, page 765, in the Register's Office of Hamilton County, Tennessee.

The Legal Description contained herein is the same as that in the Deed of Prior Title.

SUBJECT TO THE FOLLOWING:

Any governmental zoning and subdivision ordinances or regulations in effect thereon. Land lease for Outdoor Advertising Display between Roy Crowe and wife, Ella R. Crowe (Lessor) and D.H.B. Company, Inc. (Lessee) recorded in Book 3580, Page 766, said Register's Office. Easement to Electric Power Board of Chattanooga recorded in Book 2806, Page 876, said Register's Office. Sewer line easement recorded in Book 1271, Page 343, said Register's Office. Easement to State of Tennessee for the use and benefit of the Department of Highways as set out in Book 1462, Page 252, said Register's Office.

TRACT 1:

Being Lot Eight (8), Block No. Eighteen (18) Revised Plat of Hamilton Place Subdivision, as the same appears of record in Plat Book 8, Page 35, in the Register's Office of Hamilton County, Tennessee.

TRACT 2:

Being Lot No. Eleven (11), Block No. Eighteen (18), Revised Plat of Hamilton Place Subdivision, as the same appears of record in Plat Book 8, Page 35, in the Register's Office of Hamilton County, Tennessee.

TRACT 3:

Being Lot Four (4), Block Eighteen (18), Revised Plat of Hamilton Place Subdivision, as shown by plat of record in Plat Book 8, Page 35, in the Register's Office of Hamilton County, Tennessee.

TRACT 4:

Being Lot Six (6), Block Eighteen (18) Revised Plat of Hamilton Place Subdivision, as the same appears of record in Plat Book 8, Page 35, in the Register's Office of Hamilton County, Tennessee.

TRACT 5:

Being Lot Number One (1), Block Number Eighteen (18), Revised Plat of Hamilton Place, as shown by plat of record in Plat Book 8, Page 35, in the Register's Office of Hamilton County, Tennessee.

LESS AND EXCEPT any part conveyed to the Department of Highways and Public Works in Book 1397, Page 225 on March 30, 1960, in said Register's Office.

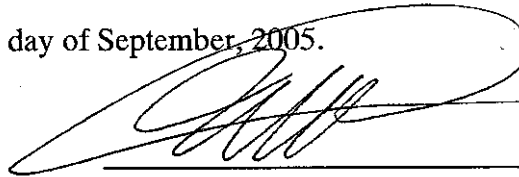
Being the same property conveyed by deed recorded in Book 4846, page 661, as corrected by Warranty Deed of Correction in Book 5477, page 765, in the Register's Office of Hamilton County, Tennessee.

The Real Estate bears the following street addresses: 500 McBrien Road, East Ridge, Tennessee 37412; 5309 Anderson Avenue, East Ridge, Tennessee 37412; Corner of Anderson and Altamaha, Chattanooga, Tennessee; and McBrien Road, East Ridge, Tennessee 37412. 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.

OTHER INTERESTED PARTIES: (1) Judgment Lien in favor of East Ridge Community Hospital of record at GI Book 5427, Page 302, in the Register's Office for Hamilton County, Tennessee; (2) Notice of Lien in favor of East Tennessee Precast, LLC of record at GI Book 7316, Page 226, in the Register's Office for Hamilton County, Tennessee; and (3) Agreed Judgment in favor of Swope Equipment and Supply Company, Inc. d/b/a Swope Rental Company of record at GI Book 7258, Page 214, 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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Publish Dates: September 26, 2005
 October 3, 2005
 October 10, 2005