Map 93-140. 331
93-141 333,
93-140 334 QE.
93-141 332

BOOK 5343 PAGE 756

SUCCESSOR TRUSTEE'S DEED

Address of New Owners	Send Tax Bills to
Charles Paul Toney and wife, Katherine Toney 1400 Pillow Street Nashville, Tennessee 37203	Same

WHEREAS, by Deed of Trust dated June 27, 1977, of record in Book 5164, page 50, Register's Office for Davidson County, Tennessee, Watkins Brown and Sarah D. Brown conveyed certain real property to Kenneth M. Ballew, Trustee, to secure the payment of a promissory note made payable to Charles Paul Toney dated June 27, 1977; and

WHEREAS, Charles Paul Toney, as the lawful owner and holder of said indebtedness, has removed Kenneth M. Ballew as Trustee under said Deed of Trust and has nominated and appointed Daniel B. Eisenstein of Nashville, Tennessee, as Successor Trustee, pursuant to the terms of said Deed of Trust, which appointment of Successor Trustee is of record in Book 5308, page 223, Register's Office of Davidson County, Tennessee; and the said Daniel B. Eisenstein, Successor Trustee, is thereby vested with title to the property described in said Deed of Trust for all purposes therein contained, and he is clothed with all the powers, duties, and obligations therein conferred upon the named Trustee; and,

WHEREAS, said Deed of Trust contained a power in the Trustee to sell the hereinafter described property in the event of default upon the indebtedness secured thereby; and,

WHEREAS, the indebtedness described therein was not paid in accordance with its terms, but default was made thereon; and

WHEREAS, at the request of the lawful owner and holder of the indebtedness secured by said Deed of Trust, the Successor Trustee gave notice of the time and place of sale, all in accordance with said Deed of Trust, by publishing an advertisement for three consecutive weeks in the Nashville Record, a newspaper published in Davidson County, Tennessee, said notice being

published on August 31, 1978, September 7, 1978, and September 14, 1978; and,

WHEREAS, on the 21st day of September, 1978, at 12:00 o'clock noon at the South door of the Davidson County Courthouse in Nashville, Tennessee, being the time and place fixed in said notice, the hereinafter described property was offered for sale at public outcry, cash in hand in bar of the equity of redemption and all other legal rights of the grantors of said Deed of Trust, as provided therein, and after receiving a bid for Thirty-eight Thousand Three Hundred Twenty-three and 09/100 Dollars ($38,323.09) from Charles Paul Toney for himself and as agent for his wife Katherine Toney, which bid being the last, highest, and best bid and being in hand paid, the receipt of which is hereby acknowledged;

NOW, THEREFORE, in consideration of the promises of the sum bid and paid, I, Daniel B. Eisenstein, Successor Trustee, do hereby bargain, sell, transfer, and convey unto Charles Paul Toney and wife, Katherine Toney their successors and assigns, all that certain real property in Davidson County, Tennessee, described as follows:

TRACT NO. I: Being lots Nos. 30,31, 32, 33, 34 on the Plan of Ewing, Wetmore and Other's Addition to South Nashville, as of record in book 14, pages 202 and 203, Register's Office for said County. Said Lots Nos. 30,31,32, and 33 front together 130 feet on the westerly side of Ewing Avenue and run back between parallel lines 130 feet to an alley, the northerly line of said property running back with the southerly margin of Fogg Street and the southerly line of said property running back with the northerly margin of an alley. Said Lot No. 34 fronts 31 feet on the southerly side of Fogg Street and runs back between parallel lines with the westerly margin of an alley 130 feet to an alley in the rear.
Said property was conveyed to Sarah Dandridge Brown and Mosco Watkins Brown, by will of M.W. Brown, deceased, of record in Will Book 75, page 93, and by will of Sarah Josephine Dandridge Brown, deceased, of record in Will Book 83, page 502, County Court for said County.
TRACT NO. II: Being Lot No. 35 on the Map of O. Ewing's Addition to Nashville, of record in Book 14, pages 202 and 203, Register's Office for said County. Said Lot No. 35 fronts 32 feet more or less on the south side of Fogg Street and runs back between parallel lines 130 feet to an alley in the rear. Being the same property conveyed to Watkins Brown and Sarah D. Brown, by deed from Willie D. Robertson, as of record in Book 4571, page 6, Register's Office for said County.

Together with all building materials and supplies on

the premises described above and all fixtures and personal property of every kind and description whatsoever and all my interests therein by virtue of the reference in said Deed of Trust to that certain loan agreement incorporating the security provisions date June 27, 1977.

To have and to hold said real estate, together with all hereditaments, easements, appurtenances, and improvements thereunto belonging, in fee simple, forever, free from all right and equity of redemption and all other legal rights of exemptions of the grantors of said Deed of Trust.

I Daniel B. Eisenstein, as Successor Trustee, do hereby transfer, assign, and set over unto Charles Paul Toney and wife, Katherine Toney their successors and assigns, all of the covenants and warranties contained in said Deed of Trust, and I do herby warrant the title as fully as I am able to do as Successor Trustee, but no further or otherwise.

WITNESS my hand, as Successor Trustee, on this the 25th day of September, 1978.

SEP 28 78 CONV
SEP 28 78 S'TAX
SEP 28 78 PR'FEE
SEP 28 78 W'DEED

38,323.09

Daniel B. Eisenstein
Successor Trustee

B* .99.5¢
B* .50
B* 6.00 * 106.08

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Before me, the undersigned, a Notary Public in and for the aforesaid County and State, personally appeared Daniel B. Eisenstein, the within named bargainor, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Successor Trustee named herein, and that he, as Successor Trustee, executed the foregoing instrument for the purposes therein contained, and that the actual consideration or value, whichever is greater, for this transfer is $38,323.09.

WITNESS my hand and official seal at office in Nashville, Tennessee on this the 25th day of September, 1978.

Richard P. Baker
Notary Public

RICHARD P. BAKER NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires: January 18, 1982

This instrument prepared by Daniel B. Eisenstein, Attorney, 408 Nashville City Bank Building, Nashville, Tennessee 37201

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 38,323.09
Charles P. Toney
Affiant
SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 28th DAY OF Sept. 1978.
E. Barnes
Deputy Register

SEP 28 3 41 PM '78
FELIX Z. WILSON III REGISTER
DAVIDSON COUNTY, TENN.

IDENTIF. REFERENCE

E 9 1 2 9 6