RESCISSION OF INSTALLMENT DEED

BOOK 5687 PAGE 586

This instrument executed by and between Dr. James O. Stewart and wife, Fannie Stewart hereinafter called GRANTORS; John Cherry and wife, Juanita Cherry, hereinafter called GRANTEES, and J. F. McClellan, hereinafter called TRUSTEE.

WITNESSETH:

WHEREAS, on 1 March 1976, Grantors and Grantees entered into a contract for sale for the sale and purchase of the following described land for the sum of $13,806.94:

> Land in Davidson County, Tennessee, being Lot No. 29 on the Plan of Cumberland Gardens, Section V, as of record in Book 3300, page 37, Registers Office of Davidson County, Tennessee.
>
> Said Lot No. 29 fronts 50 feet on the west side of 26th Avenue North and extends back 135.1 feet on the north line and 106 feet on the south line to a dead line, which is a broken line, measuring 58.9 feet thereon.
>
> Being the same property conveyed to Dr. James O. Stewart and wife, Fannie Stewart by deed from Robert Smith and wife, Norma J. Smith, of record in Book 4024, page 807, Registers Office of Davidson County, Tennessee.

WHEREAS, prior to the recording of the executed Installment Deed reflecting said transfer by and between the parties, Grantees had change of mind and desired to rescind said contract for sale, to which Grantors agreed, and with no consideration for said transfer having been paid by Grantees to Grantor; and

WHEREAS, subsequent to the above, attorney for the Grantors, J. F. McClellan, inadvertently and in error recorded said Installment Deed, of record in Book 5011, page 765, Registers Office of Davidson County, Tennessee, erroneously transferring said property from Grantors to Grantees; and

WHEREAS, the parties subsequently discovered that said Installment Deed has been erroneously recorded by inadvertence and error on 2 December 1980.

THEREFORE, the parties agree as follows:

PETWAY, BLACKSHEAR, & SMITH
ATTORNEYS AT LAW
SUITE 1000, PARKWAY TOWER
NASHVILLE, TENNESSEE 37219

AGREEMENT BOOK 5687 PAGE 587

1. The Installment Deed, dated 1 March 1976, of record in Book 5011, page 765, Registers Office of Davidson County, Tennessee, was given, accepted, predicated upon and recorded as a result of inadvertence and error.

2. The said Installemtn Deed, therefore, is rescinded and mutually agreed and declared to be null and void at the date of its execution and thereafter.

3. This instrument is executed for the purpose of correcting the official records and for the purpose of reducing to writing the true state of facts with regard to the said transaction.

This the 3rd day of December 1980.

Dr. James O. Stewart
DR. JAMES O. STEWART (GRANTORS)

Fannie E. Stewart
FANNIE STEWART (GRANTORS)

John L. Cherry
JOHN CHERRY (GRANTEES)

Juanita Cherry
JUANITA CHERRY (GRANTEES)

J. F. McClellan
J. F. MC CLELLAN (TRUSTEE)

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Dr. J.O. Stewart and wife, Fannie Stewart; John Cherry and wife, Juanita Cherry; and J. F. McClellan, Grantors, Grantees, and Trustee, respectfully, and all of whom I am personally acquainted, and who acknowledge that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee the 3rd day of December 1980.

My Commission expires: 10/21/84

NOTARY PUBLIC

NOTARY PUBLIC DAVIDSON COUNTY, TENN.

PETWAY, BLACKSHEAR, & SMITH
ATTORNEYS AT LAW
SUITE 1000, PARKWAY TOWER
NASHVILLE, TENNESSEE 37219

BOOK 5687 PAGE 588

THIS DOCUMENT PREPARED
BY: Julian W. Blackshear Jr.
JULIAN W. BLACKSHEAR, JR.
1000 Parkway Towers
Nashville, Tennessee 37219 mail

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IDENTIF. REFERENCE

DEC 8 3 22 PM '80

FELIX Z. WILSON JT. REGISTER
DAVIDSON COUNTY, TENN.

PETWAY, BLACKSHEAR,
& SMITH
ATTORNEYS AT LAW
SUITE 1000, PARKWAY TOWER
NASHVILLE, TENNESSEE 37219