File 43

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TRUSTEE'S DEED

Michael J. Philbin,
Successor-Trustee

to

City Federal Savings Bank
c/o The Kissell Company
30 Warder Street
Springfield, OH 45501
SEND TAX BILLS HERE

Map #149-15
Parcel #119
Field Book #02DV 68655

8381 11/17 0101 03CHECK 214.46

WHEREAS, Stephen Duke and wife, Debra L. Duke, executed a deed of trust on the 12th day of May 1986 which was recorded in Deed Book 6857, Page 129, Register's Office for Davidson County, Tennessee, conveying to Stephen R. Joselyn, Trustee, the property hereinafter described for the purpose of securing the payment of a promissory note to CityFed Mortgage Company, which note is referred to in said deed of trust; and

WHEREAS, pursuant to the provisions of said deed of trust, the undersigned, Michael J. Philbin was appointed Successor-Trustee, said appointment being dated the 14th day of September 1988 and recorded in Deed Book 7679, Page 42, Register's Office for Davidson County, Tennessee; and

WHEREAS, default occurred in the payment of said note described in and secured by said deed of trust, and in accordance with the terms and provisions thereof, all of the indebtedness was declared due and payable, and the Grantor herein, as Trustee, was instructed to advertise and sell the property for the satisfaction of said indebtedness; and

WHEREAS, the sale was advertised in accordance with the terms of the deed of trust, said advertisement having been made for twenty-one (21) days by three weekly notices published in The Nashville Record, a newspaper published and circulated in Davidson County, Tennessee; and pursuant to the said advertisement, said sale was held at the time and place advertised, to-wit: November 14, 1988, at 10:00 a.m. at the front door of the Courthouse in Nashville, Davidson County, Tennessee, at public outcry to the highest and best bidder for

THIS INSTRUMENT IS BEING RERECORDED TO CORRECT AN ERROR IN THE NAME OF THE GRANTEE WHICH IS CITY FEDERAL SAVINGS BANK INSTEAD OF CITYFED MORTGAGE COMPANY.

cash in bar of all equities of redemption, the statutory right of redemption, homestead, dower, and all other rights or exemptions of every kind, all of which were expressly waived in said deed of trust; and

WHEREAS, the Grantee herein, City Federal Savings Bank, being the highest and best bidder at said sale with a bid of Sixty-One Thousand Two Hundred Seventeen and 53/100 Dollars ($61,217.53), was duly declared the purchaser at said sale; and

WHEREAS, this deed is made in accordance with the terms and provisions of said deed of trust and the notice of sale hereinabove referred to.

NOW, THEREFORE, in consideration of the premises and the further consideration of the sum of Sixty-One Thousand Two Hundred Seventeen and 53/100 Dollars ($61,217.53), paid by City Federal Savings Bank, the receipt of which is hereby acknowledged, I, Michael J. Philbin, Successor-Trustee, have this day bargained and sold and by these presents do hereby transfer and convey unto City Federal Savings Bank, its successors and assigns, the following tract of land situated in Davidson County, Tennessee, and more particularly described as follows, to wit:

> Land in Davidson County, Tennessee, being Lot No. 137 on the Plan of Terragon Trails, Section Two, of record in Book 5050, Page 9, Register's Office for said County, to which reference is made for a more complete description.
>
> Being the same property conveyed to Stephen Duke and wife, Debra L. Duke, by Warranty Deed from Robert R. Hight, of record in Deed Book 6857, Page 126, Register's Office for Davidson County, Tennessee.
>
> This is improved property also known as 4724 Volunteer Drive, Nashville, Tennessee 37013.

TO HAVE AND TO HOLD said real estate together with the appurtenances, estate, title and interest thereunto belonging to the said Michael J. Philbin, his successors and assigns, forever as fully and completely as the successor-trustee can or ought to convey under the power vested in him in said deed of trust and his appointment as successor-trustee; and said successor-trustee, the Grantor herein, does hereby transfer and assign to City Federal Savings Bank, its successors and assigns, all the warranties and covenants made in said deed of trust.

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This conveyance is made subject to all matters shown on any applicable recorded Plan; any unpaid taxes which exist as a lien against said property; any restrictive covenants, easements or setback lines that may be applicable; any statutory right of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal; and any prior liens or encumbrances that may exist against the property. This conveyance is also subject to any matter that an accurate survey of the premises might disclose.

IN WITNESS WHEREOF, the said Michael J. Philbin, Successor-Trustee, has hereunto set his hand this 14th day of November 1988.

Michael J. Philbin, Trustee
Michael J. Philbin
Successor-Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Michael J. Philbin, Successor-Trustee, the bargainor, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, this 14th day of November 1988.

NOTARY PUBLIC

Patricia A. Cook
NOTARY PUBLIC

My Commission Expires: 10-9-91

THIS INSTRUMENT PREPARED BY:
ADAMS, TAYLOR, PHILBIN, PIGUE & MARCHETTI
One Union Street
Nashville, Tennessee 37201

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STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $61,217.53.

Michael J R

AFFIANT

Sworn to and subscribed before me this 14th day of November, 1988.

Patricia A. Cook

NOTARY PUBLIC

My Commission Expires: 10-9-91

RE-RECORD

8:8976

IDENTIFICATION REFERENCE

Nov 29 12 05 PM '88

FELIX E. WILSON, REGISTER
DAVIDSON COUNTY, TN

1779 11/29 0101 03CHECK 12.00

IDENTIFICATION REFERENCE

Nov 17 9 14 AM '88

8:8098

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