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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

NOV 7 1991

IN RE:) BOOK 8486 PAGE 500 BY M. WYATT DEPUTY CLERK
)
Barry Wade Burnette,) Case No. 391-03434
) Chapter 13
Debtor.) Judge Keith M. Lundin

AGREED ORDER REINSTATING REAL ESTATE MORTGAGE

Based upon the agreement of counsel and the Chapter 13 Trustee in this case, it appears to the Court that the Debtor, Barry Wade Burnette, and his wife, Judy L. Burnette, own the premises located at 4506 Nebraska Avenue, Nashville, TN 37209. National Mortgage Company, a secured creditor in this case, holds a first mortgage on this property in the original principal amount of $39,080, of record in Book 6529, page 115, Register's Office, Davidson County, Tennessee. The Debtor in this case filed a Chapter 13 bankruptcy petition on April 3, 1991. Having no notice of that filing, National Mortgage Company foreclosed the first mortgage on this property on April 5, 1991. National Mortgage Company was the only bidder at the foreclosure sale and became the record title owner of subject real property by virtue of a Trustee's Deed recorded April 9, 1991, of record in Book 8326, page 903, said Register's Office. It is undisputed that this foreclosure sale was held without knowledge of the bankruptcy filing in this case.

NOW, THEREFORE, upon agreement of counsel and the Chapter 13 Trustee, it is hereby ORDERED that the foreclosure sale held by National Mortgage Company on April 5, 1991, with respect to that certain Deed of Trust of record In Book

Attest:
A True Copy:
Certified this 11-12-91
U.S. Bankruptcy Court
By L. Carter

UNITED STATES BANKRUPTCY COURT SEAL

Certificate of Mailing NOV 07 1991

6529, page 115, Register's Office, Davidson County, Tennessee, which was held without knowledge of the Chapter 13 bankruptcy petition filed on April 3, 1991, is hereby set aside and for naught held.

It is further ORDERED that the Trustee's Deed dated April 5, 1991, from D.W. McMackin, Substitute Trustee, to National Mortgage Company, of record in Book 8326, page 903, Register's Office, Davidson County, Tennessee, conveying title to the premises located at 4506 Nebraska Avenue, Nashville, TN 37209, to National Mortgage Company is likewise set aside and for naught held. Said Trustee's Deed shall be of no force or effect whatsoever. All right, title and interest in and to the premises located at 4506 Nebraska Avenue, Nashville, TN 37209, more particularly described below, is hereby divested out of National Mortgage company and vested in Barry Burnette and wife, Judy L. Burnette.

It is finally ORDERED that the deed of trust dated April 4, 1985, of record in Book 6529, page 115, Register's Office, Davidson County, Tennessee, executed by Barry Burnette and wife, Judy L. Burnette, to Dan B. Andrews, Trustee, be and the same is hereby reinstated in full, the same as though the above referenced foreclosure sale had never occurred and the same as though the Trustee's Deed of record in Book 8326, page 903, said Register's Office, had never been recorded. The rights and duties of all parties under said deed of trust on the following described real property shall be the same as

they were prior to the above referenced foreclosure sale and all terms, provisions and conditions contained in said deed of trust are hereby reinstated in all respects and shall remain and continue in full force and effect:

> Lying and being in Davidson County, State of Tennessee, being Lot Numbered "Ten" and the Western 10 feet of Lot Numbered "Nine" in Block 12, Sylvan Park Plan, a plat of which is of record in Book 332, Page 104, in the Register's Office of Davidson County, Tennessee, to which reference is hereby made for a more complete description. Said lot fronts 60 feet on the North Side of 8th Avenue and extends back between parallel lines 160 feet to an alley.
>
> Being the same property conveyed to Barry Burnette and wife, Judy L. Burnette, by deed from Pearl E. Tripp, of record in Book 6529, page 112, Register's Office, Davidson County, Tennessee.
>
> This is improved property located at 4506 Nebraska Avenue, Nashville, TN 37209.

Dated this 5 day of Nov., 1991.

Keith M. Lundin
Bankruptcy Judge

APPROVED FOR ENTRY:

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McMackin, Garfinkle, McLemore
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By: _____

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_____
Henry E. Hildebrand, III
Chapter 13 Trustee

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IDENTIFICATION

Nov 15 11 49 AM '91