85311

IDENTIFICATION REFERENCE

JAN 22 10 40 AM '93

REGISTER'S OFFICE
DAVIDSON COUNTY, TN

THIS INSTRUMENT PREPARED BY:
Thomas Kelly Derryberry
Chief Attorney
U. S. Department of HUD
251 Cumberland Bend Drive
Nashville, TN 37228-1803

Mail

Address New Owner as follows:

Secretary of U. S. Department of Housing & Urban Development of Washington, D.C.
251 Cumberland Bend Drive
Nashville, Tennessee 37228-1803

Send Tax Bills to:

Same

8848 01/22 0101 03CHECK 12.00

Map: 061-00 - Davidson County
Parcel: 49

SUCCESSOR TRUSTEE'S DEED

WHEREAS, by deed of trust dated October 4, 1973, and recorded in Book 4754, page 414, in the Register's Office for Davidson County, Tennessee, hereinafter referred to as "Deed of Trust", Kenmont Apartments, a Limited Partnership, conveyed to Jack W. Lee, Trustee, the hereinafter described real estate, hereinafter referred to as "Property", to secure an indebtedness evidenced by a note of even date therewith, which note is fully described in the Deed of Trust, hereinafter referred to as the "Note"; and

WHEREAS, Kenmont Properties, Limited assumed the obligations of the said Deed of Trust by instrument recorded in Book 6234, page 19, in the Register's Office of Davidson County, Tennessee, and

WHEREAS, the said Note and Deed of Trust was assigned to the Secretary of Housing and Urban Development of Washington, D.C. by instrument of record in Book 7880, page 766, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, default having occurred in the payment of the Note, and in accordance with the terms of the Note and Deed of Trust, the holder thereof declared the entire indebtedness due and payable in full; and

WHEREAS, the lawful owner and holder of the indebtedness, by the terms of a certain instrument of record in Book 8811, page 420, in the Register's Office for Davidson County, Tennessee appointed Thomas Kelly Derryberry, a resident of Davidson County, Tennessee, as Successor Trustee in the place and stead of Jack W. Lee, Trustee; and

WHEREAS, the owner and holder of the indebtedness directed Thomas Kelly Derryberry, Successor Trustee, to sell the property in accordance with the terms of the Deed of Trust, and pursuant to said direction, Thomas Kelly Derryberry, Successor Trustee, did advertise the Property for sale as provided in the Deed of Trust and Note, and the Property was advertised to be sold commencing at 10:30 a.m., on January 22, 1993, at the front door of the Davidson County Courthouse in Nashville, Davidson County, Tennessee, at public auction to the highest and best bidder, and the advertisement of sale was duly published in The Nashville Record, a newspaper of general circulation in Davidson County, Tennessee on December 31, 1992, January 7, 1993, and January 14, 1993, and said advertisement was sent by mail to the Debtor and lienors of record; and

WHEREAS, at the time and place of said sale, and upon the Property being offered under the term hereinabove set forth, the Secretary of the U. S. Department of Housing and Urban Development of Washington, D.C., being the highest and best bidder, became the purchaser of the said property for the sum of Two Million Nine Hundred Forty-six Thousand Three Hundred Forty-two and 56/100 dollars ($2,946,342.56); and

WHEREAS, the purchaser, being the holder of the indebtedness, has complied with the terms of this sale by paying the expenses of the sale, the balance being applied upon the said indebtedness for which the property was sold.

NOW, THEREFORE, in consideration of the premisses, and the payment by the Secretary of Housing and Urban Development of the sum stated above, the receipt of which is hereby acknowledged, I, THOMAS KELLY DERRYBERRY, Successor Trustee, have bargained and sold, and by these presents do hereby transfer and convey unto the SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON, D.C., his successors and assigns, the following described real estate in Davidson County, Tennessee; to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION WHICH IS INCORPORATED HEREIN BY REFERENCE THE SAME AS IF COPIED HEREIN VERBATIM.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging unto the Secretary of the U. S. Department of Housing and Urban Development of Washington, D.C., his successors and assigns, in fee simple forever. Sale was advertised and made as Successor Trustee only, without covenants or warranties of title, express or implied, subject to any taxes, easements, restrictions in effect thereon, and this conveyance is so made. I, Thomas Kelly Derryberry, Successor Trustee, but not further or otherwise, do hereby transfer, assign, and set over unto the Secretary of the U. S. Department of Housing and Urban Development of Washington, D.C. all of my right, title and interest in the said property as Successor Trustee.

IN WITNESS WHEREOF, I, Thomas Kelly Derryberry, Successor Trustee, have executed this instrument on this the 22nd day of January, 1993.

Thomas Kelly Derryberry
THOMAS KELLY DERRYBERRY
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 Thomas Kelly Derryberry, Successor Trustee, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal this the 22nd day of January, 1993.

Pamela W. Redus
NOTARY PUBLIC

My Commission Expires:

My Commission Expires SEPT. 16, 1995

EXHIBIT "A"

Land in the 12th Civil District of Davidson County, Tennessee, being Tract No. 1 on the Plan of Kenmont Apartments, as of record in Book 4460, page 13, Register's Office for said County, and described according to a survey made by Southern Land Surveying Co., Inc., dated December 30, 1970, as follows:

BEGINNING at the centerline intersection of Maplewood Lane and Lemont Drive; thence, along the centerline of Maplewood Lane running East 52.0 feet to a point; thence, southerly from said point 25.00 feet to a concrete monument in the Southerly margin of Maplewood Lane as widened, this being the point of beginning; thence, along the Southerly margin of Maplewood Lane as widened, running in an Easterly direction South 84° 12' 33" East 140.03 feet to a concrete monument; thence leaving said southerly margin along a line common to Arthur J. Elmore's west line and said described tract South 07° 36' 25" West 239.99 feet to a concrete monument; thence, South 84° 12' 33" East 185.00 feet to a concrete monument; said point being M. Ann Travis' southeast property corner and a point in Robert W. Farrell's west line; thence, continuing along Farrell's West line South 7° 36' 25" West 195.77 feet to a concrete monument; thence, South 79° 29' 41" East 460.00 feet to a concrete monument; said point being J. W. Luttrell's southeast property corner; thence, along Luttrell's East line North 27° 27' 14" East 20.00 feet to a concrete monument, said point being Clarence William Irvin's Southwest property corner; thence, South 85° 45' 56" East 680.74 feet to a concrete monument, said point being Northeast corner of said described tract; thence, along the west property line of Maplewood Heights Second Subdivision as recorded in Book 547, page 103 & 104 running in a Southerly direction South 14° 08' 17" West 1243.71 feet to a concrete monument; thence, along the northerly margin of Virginia Avenue extended with a curve to the left (Radius = 275.00 feet) 261.59 feet to a concrete monument; thence, leaving said Northerly margin North 55° 08' 31" West 726.81 feet to a concrete monument located in D. H. Thompson's North line; thence, North 27° 27' 14" East 319.08 feet to a concrete monument; thence, North 69° 36' 37" West 545.72 feet to a concrete monument; thence, continuing along Thompson's East line North 07° 46' 35" East 654.91 feet to a concrete monument; thence, North 80° 45' 25" West 49.98 feet to a concrete monument located in the Easterly margin of a 50 foot Street dedication; thence, along said easterly margin North 07° 46' 35" East 280.41 feet to a concrete monument; thence, along a curve to the right (Radius = 25.00 feet) 38.40 feet to the beginning, containing 32.87 acres.

BEING the same property conveyed to Kenmont Apartments, a Limited Partnership, by deed from Elmer I. Kent and wife, Helen A. Kent, of record in Book 4583, page 603, said Register's Office, and subsequently conveyed to Kenmont Properties, Limited by deed from Kenmont Apartments, a Limited Partnership, of record in Book 6234, page 19 said Register's Office.