Book 61

Prepared By:
William E. Long, Jr.
Walt Dyer & James
30 Burton Hills Blvd., Suite 200
Nashville, TN 37215
(615) 665-1150

BOOK 9026 PAGE 121

SUCCESSOR TRUSTEE'S DEED

WHEREAS, on the 28th day of December, Tucker & Dodd Investments, a partnership composed of Michael T. Dodd, Willard J. Tucker and Stephen B. Truelove, executed a certain Deed of Trust (the "Deed of Trust") to Stephen C. Baker, Trustee, for the benefit of Barcelona Associates, a joint venture, for the purpose of securing the debts and obligations therein described, which Deed of Trust is of record in Book 6463, Page 759, in the Register's Office of Davidson County, Tennessee; and

WHEREAS, Barcelona Associates sold and assigned the Deed of Trust, along with the debts and obligations secured thereby, to Metropolitan Federal Savings and Loan Association ("Old Met Fed"); and

WHEREAS, the Deed of Trust was modified by unrecorded Modification Agreement executed December 7 and 8, 1988; and

WHEREAS, on June 14, 1991, Barcelona Associates sold and assigned the Deed of Trust to Metropolitan Federal of record in Book 8381, Page 710 in said Register's Office; and

WHEREAS, prior to April 19, 1991, Old Met Fed changed its name from "Metropolitan Federal Savings and Loan Association" to "Metropolitan Federal Bank, A Federal Savings Bank"; and

WHEREAS, effective April 19, 1991, the Director of the Office of Thrift Supervision ("OTS"), by OTS Order No. 91-213, duly appointed the Resolution Trust Corporation ("RTC") to serve as sole receiver for Old Met Fed; and

WHEREAS, effective April 19, 1991, and in accordance with OTS Order No. 91-213, the OTS authorized the organization of a new federal mutual savings association known as Metropolitan Federal Savings and Loan Association, F.A., Nashville, Tennessee ("New Met Fed"); and

WHEREAS, effective April 19, 1991, by a certain Purchase and Assumption Agreement between the RTC as Receiver for Old Met Fed and New Met Fed, certain assets, including the Deed of Trust, along with the debts and obligations secured thereby, were

transferred to New Met Fed; and

WHEREAS, effective April 19, 1991, the OTS appointed the RTC as Conservator for New Met Fed by OTS Order No. 91-213; and

WHEREAS, effective March 27, 1992, the OTS, by OTS Order No. CIN-92-102, replaced the RTC as Conservator for New Met Fed with the RTC as Receiver for New Met Fed; and

WHEREAS, as a result of the execution of the above-referenced Purchase and Assumption Agreement and the subsequent actions taken by the OTS, the RTC as Receiver for New Met Fed succeeded to all right, title and interest in the Deed of Trust, along with the debts and obligations secured thereby, pursuant to 12 U.S.C. §1821(d)(2), as incorporated by reference into 12 U.S.C. §1441a(b)(4); and

WHEREAS, the RTC as Receiver for New Met Fed is the owner and holder of the Deed of Trust, along with the debts and obligations secured thereby; and

WHEREAS, default having been made in the payment of the debts and the performance of the debts and obligations secured by the Deed of Trust, the RTC as Receiver for New Met Fed, as the owner and holder thereof, requested the undersigned to advertise and sell the property conveyed by the Deed of Trust, according to the terms of the Deed of Trust; and

WHEREAS, in accordance with the request of the RTC as Receiver for New Met Fed, the undersigned did, in compliance with the provisions of the Deed of Trust, advertise for sale the property conveyed by the same, the advertisement for sale having been published in *The Nashville Record*, a daily newspaper published in Nashville, Davidson County, Tennessee, July 1, 8 and 15, 1993, issues of said newspaper, said sale having been advertised for Tuesday, July 27, 1993, at Twelve o'clock noon at the front door of the Davidson County Courthouse in Nashville, Davidson County, Tennessee, at which time and place said property was offered for sale and sold to the highest and best bidder for cash; and

WHEREAS, the highest and best bid at the sale was then and there made by the Resolution Trust Corporation as Receiver for Metropolitan Federal Savings and Loan Association, F.A. to wit; a bid of Thirty-Four Thousand, Two Hundred Fifty-Five Dollars ($34,255.00) for said property, which bid was then and there accepted by the undersigned as Successor Trustee.

NOW, THEREFORE, in consideration of the premises and the compliance with the terms

of said bid, receipt of which is hereby acknowledged, and which amount, less the expenses of said sale, has been applied toward the payment of the debts and obligations secured by the Deed of Trust, the undersigned, hereby bargains, sells, conveys, and confirms unto the said Resolution Trust Corporation as Receiver for Metropolitan Federal Savings and Loan Association, F.A., the following property situated and located in Nashville, Davidson County, State of Tennessee, to-wit:

> Unit E-21 of Barcelona Condominium created under Title 66, Chapter 27, Sections 101 *et seq.*, as amended, Tennessee Code Annotated as established by a Master Deed, of record in Book 6400, Page 801, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the Common Elements appurtenant to said Unit as set forth in Exhibit A-1 of said Master Deed. Reference is hereby made to the Plat of Barcelona Condominium of record in Book 6400, Page 839, said Register's Office, for a more complete identification and description of such Unit.
>
> Being the same property conveyed by deed from Barcelona Associates, of record in Book 6463, Page 756, Register's Office for Davidson County, Tennessee.
>
> PROPERTY ADDRESS: 270 Tampa Drive, Unit E-21
> Barcelona Condominiums
> Nashville, TN 37211

TO HAVE AND TO HOLD, unto the said Resolution Trust Corporation as Receiver for Metropolitan Federal Savings and Loan Association, F.A., its heirs and assigns, in fee simple forever.

The undersigned hereby warrants the title to the above described property against the lawful claims of all persons claiming the same by, through or under the undersigned, but not further or otherwise. The conveyance of the aforesaid property is subject to unpaid property taxes, assessments, subdivision restrictions, prior building lines, and easements of record, if any, in the Davidson County Register's Office.

IN WITNESS WHEREFORE, James A. Waechter, III as Successor Trustee, has hereunto set his hand this the 27th day of July, 1993.

JAMES A. WAECHTER, III
SUCCESSOR TRUSTEE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

On this 27th day of July, 1993, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James A. Waechter, III, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed as Successor Trustee.

WITNESS my hand and Official Notarial Seal at office the day and year above written.

Robin L Weakley
NOTARY PUBLIC

My Commission Expires: 5/28/1995

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration or this transfer or value of the property transferred, whichever is greater is Thirty-Four Thousand, Two Hundred Fifty Five Dollars ($34,255.00)

AFFIANT

Subscribed and sworn to before me on this 27th day of July, 1993.

Robin L Weakley
NOTARY PUBLIC

My Commission Expires: 5/28/1995

MAIL TAX NOTICE TO:

3380 07/27 0101 03CHECK 16.00

45122