43

BOOK 10561 PG 298

**SUBSTITUTE TRUSTEE'S DEED**

| ADDRESS NEW OWNER | SEND TAX BILLS TO | MAP-PARCEL NO. |
|---|---|---|
| Humbrecht, Langois & | Same | 060-12 |
| & Johnson Company, Inc. | Same | 232.00 |
| 212 Shelby Avenue | Same | |
| Nashville, TN 37213 | Same | |

This indenture made and entered into on this 5th day of August, 1997, by and between Richard D. Taylor, Substitute Trustee, of Nashville, Davidson County, Tennessee, Party of the First Part, and Humbrecht, Langois & Johnson Company, Inc. of Nashville, Tennessee, Party of the Second Part.

**W I T N E S S E T H:**

WHEREAS, by Deed of Trust dated April 7, 1989, recorded in Book 7812, page 343, Register's Office, Davidson County, Tennessee, T & R Investments, a Tennessee General partnership composed of Timothy W. Ulmer and Randall J. Wherry, The Handicrafters Custom Woodworks, Inc., a Tennessee corporation, Timothy W. Ulmer and wife, Edwina C. Ulmer and Randall J. Wherry and wife, Angela L. Wherry, conveyed to Stephen C. Baker, Trustee, the hereinafter described property to secure payment of a Promissory Note payable to Union Planters National Bank, Nashville, Tennessee, in the original principal sum of FIVE HUNDRED FIFTY SIX THOUSAND AND 00/100 DOLLARS ($556,000.00); and

WHEREAS, by Assignment dated February 12, 1991, the aforesaid Deed of Trust was assigned to the Small Business Administration, said Assignment being recorded in Book 8296, page 660, Register's Office, Davidson County, Tennessee; and

WHEREAS, Small Business Administration, the owner and holder of the indebtedness due thereon, appointed Richard D. Taylor, as Substitute Trustee, which appointment is dated April 18, 1997, and recorded in Book 10443, page 933, Register's Office, Davidson County, Tennessee; and

WHEREAS, default was made in the payment of said principal Note and the holder thereof has directed First Party to advertise and sell said property in satisfaction of said indebtedness and the

costs of foreclosure in accordance with the terms and provisions of the said Promissory Note and Deed of Trust; and

WHEREAS, First Party did advertise said property for sale in accordance with the terms of said Note and Deed of Trust, notice of same and place of said sale being published in the Nashville Record on June 5, 12, 19 and 26, 1997; and

WHEREAS, pursuant to said notice, First Party did offer said property for sale on the premises located at 104 Sunset Drive, Nashville, Tennessee on July 2, 1997 at or about 10:00 a.m., and Humbrecht, Langois & Johnson Company, Inc. of Nashville, Tennessee, being the highest and best bidder thereof, became the purchaser of said property at and for the sum of Five Hundred Eighty Thousand and 00/100 ($580,000.00) Dollars and said sum of said bid having been paid, the receipt of which is hereby acknowledged.

NOW, THEREFORE, for and in consideration of the premises, Party of the First Part has this day bargained and sold and does hereby transfer and convey unto the Party of the Second Part, the following-described real property situated in Davidson County, Tennessee, to-wit:

Being a tract of land in the 12th Civil District of Davidson County, Tennessee, known as Lot 2 of the Sanders Marine Property Subdivision, and being a portion of that property conveyed to A. G. Sanders, et ux in Book 4935, page 37, R.O.D.C.T. more accurately described according to a survey by Tommy E. Walker, R.L.S. TN Lic. #1465 as follows:

Beginning at a set concrete monument in the southerly margin of Sunset Drive, said monument being 240' more or less east of Dickerson Pike as measured along said southerly margin of Sunset Drive; then S 08 deg. 39 min. 41 sec. W 152.35' to a set iron pin; thence S 83 deg. 24 min. 19 sec. E 202.55' to an existing iron pin, said pin being the most northeasterly corner of herein described property and being the northwest corner of Bryn L. Webb (DB 6544, page 56 RODCT); thence with the west line of said Webb S 05 deg. 09 min. 36 sec. W 289.30' to a set iron pin; thence N 77 deg. 58 min. 28 sec. W 306.60' to a set iron pin; thence No 12 deg. 50 min. 46 sec. E 261.74' to a point; thence N 83 deg. 24 min. 19 sec. W 8.08' to an existing iron pin, said pin being the southwest corner of Catherine S. Hughes (DB 7073, PG 523 RODCT); thence with said Hughes east line N 08 deg. 39 min. 41 sec. E 152.67' to a concrete monument on the southerly margin of Sunset Drive; thence with said margin S 83 deg. 09 min. 37 sec. E 75.00' to the point of beginning, containing 2.078 acres more or less.

Said property is known as 104 Sunset Drive, Nashville, Davidson County, Tennessee.

To have and to hold said property to the said Party of the Second Part (his-her heirs and assigns) (its successors and assigns), forever, and in bar of all equity or right of redemption, homestead and dower, subject to validly liened ad valorem taxes and to the following, if applicable: the statutory right of redemption of the United States, pursuant to 26 U.S.C. Section 7425(d)(1), and/or of the State of Tennessee, pursuant to T.C.A. Section 67-1-1433(c)(1), as set forth in the Substitute Trustee's Notice of Sale. [A copy of any required statutory notice to the United States and/or the State of Tennessee, and the response(s) thereto, if any, is attached hereto as a collective exhibit.]

And I, Richard D. Taylor, Substitute Trustee, do further covenant and bind myself, my successors and representatives, to warrant and defend the title to said property only as to such title coming through or by me to the said Party of the Second Part (his-her heirs and assigns) (its successors and assigns), against the lawful claims of all persons whomsoever.

Richard D. Taylor
Substitute Trustee

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, Tracy L. Arrington, a Notary Public in and for the said County and State, the within named Richard D. Taylor, Substitute Trustee, the bargainor, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 5th day of August, 1997.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

7-24-99

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $580,000.00.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 5th day of August, 1997.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

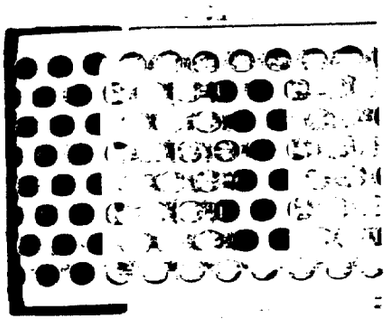
7-24-99

THIS INSTRUMENT PREPARED BY:

Richard D. Taylor
TAYLOR, PHILBIN, PIGUE, MARCHETTI
& BENNETT, PLLC
One Union Street
P.O. Box 198169
Nashville, Tennessee 37219-8169
(615) 244-5361

0335257
IDENTIFICATION REFERENCE
97 AUG -7 PM 12:39
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

4365 08/07 0101 03CHECK 2163.00



**OFFICIAL RECEIPT**
**FELIX Z. WILSON, II**
REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____

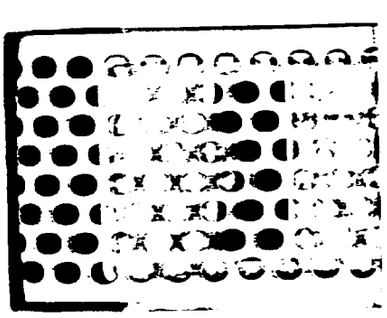
FOR _____

BOOK 10561 PG 302

| | | |
|---|---|---|
| CO - CONVEYANCE | CC - CERTIFIED COPY | MISC - MISCELLANEOUS |
| MO - MORTGAGE | REL - RELEASE | CO TX - STATE TAX CONVEY |
| WD - WARRANTY DEED | UCC - UNIFORM COMMERCIAL CODE | MO TX - STATE TAX MORT |
| TD - TRUST DEED | | PRFEE - PROBATE FEE |

| DATE | SYMBOL | VALUATION | TAX AND FEES | TOTAL PAID |
|---|---|---|---|---|
| | | | CAHT | |
| | | | | 580000.00 |
| | | | CON TX | 2146.00 |
| | | | PRFEE | 1.00 |
| | | | WDEED | 16.00 |
| | | | TOTAL | 2163.00 |
| | | | CHECK | 2163.00 |
| 08/07/97 | 01 | 12:38 | 0001 | 4365 |

**RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK**



0335257
IDENTIF. ↑ REFERENCE

97 AUG -7 PM 12:39
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

No. 1183959