Book 10828 Page 861

AFFIDAVIT TO RESCIND TRUSTEE'S SALE

BEFORE ME, the undersigned authority, on this day personally appeared Christopher L. Palmer, who after being duly sworn, deposed and stated:

1) By Deed of Trust dated March 15, 1996, recorded in Book 9980, Page 958, in the Register's Office of Davidson County, Tennessee, Mr. Mark A. Ellmore, Jr., conveyed to Michael S. McAbee and wife, Ira F. McAbee, as Trustee for Prime Mortgage Brokers, Inc., the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; said property being described as follows:

> A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS: LOT NO. 37 ON THE UNRECORDED MAP SHOWING THE SUBDIVISION OF THE VAULX LANDS, NOT OF RECORD, AND DESCRIBED ACCORDING TO A COPY OF A SURVEY BY HAL R. SWANN, JR., MARCH 25, 1959, AS FOLLOWS: BEGINNING AT AN IRON PIN IN THE SOUTH MARGIN OF EAST CLAYTON AVENUE, 480 FEET WEST OF THE WEST MARGIN OF CRAIG AVENUE; THENCE SOUTHERLY PARALLEL TO THE WEST MARGIN OF CRAIG AVENUE, 160 FEET TO AN IRON PIN; THENCE WESTERLY 80 FEET TO AN IRON PIN; THENCE NORTHERLY 156.27 FEET TO AN IRON PIN IN THE SOUTH MARGIN OF EAST CLAYTON AVENUE; THENCE WITH THE MARGIN OF THE SAME EASTERLY 52.3 FEET TO A POINT, AND CONTINUING WITH THE MARGIN OF THE SAME EASTERLY 27.7 FEET TO THE BEGINNING.

Commonly known as: 927 Clayton Avenue, Nashville, TN 37204

2) The current holder of the debt, Chemical Residential Mortgage Corporation, appointed Robert M. Wilson, Jr. as Substitute Trustee by instrument of record recorded in Book 10722 Page 33 in the Register's Office of Davidson County, Tennessee.

3) Default occurred in the payment of said indebtedness and the obligations thereby secured to be paid and performed. Robert M. Wilson, Jr., as Substitute Trustee, advertised in conformity with the above referenced Deed of Trust the sale of the subject property. The sale was scheduled to be held on January 9, 1998 at the courthouse in Nashville, Davidson County, Tennessee. At the time and place mentioned in said advertisement, the Trustee offered the property for sale at public outcry to the highest bidder for cash at which time the property was struck off and sold to Chemical Residential Mortgage Corporation, at and for the sum of $130,170.51, that being the highest and best bid offered.

4) By Substitute Trustee's Deed dated January 20, 1998, recorded in Book 10762 at Page 333, in the Register's Office of Davidson County, Tennessee, Robert M. Wilson, Jr., as Substitute Trustee, conveyed the subject property to Chemical Residential Mortgage Corporation.

5) On January 22, 1998, Chemical Residential Mortgage Corporation advised that the loan had been reinstated. At the time of filing, Mr. Michael S. McAbee and his wife, Ira F. McAbee owned the property located at 927 Clayton Avenue, Nashville, TN 37204, that being the same property sold at the above mentioned foreclosure sale. The sale and subsequent Trustee's Deed were therefore null and void.

6) This Affidavit is executed as notice that the Substitute Trustee's Deed dated January 20, 1998, recorded in Book 10762 at Page 333, in the Register's Office of Davidson County, Tennessee is null and void, and that the property contained therein for legal purposes remains in the title of its previous owner(s).

FURTHER, Affiant sayeth not.

Robert M. Wilson, Jr. by:

WILSON & ASSOCIATES, P.L.L.C.

ROBERT M. WILSON, JR.

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this 27th day of February, 1998, before me, a Notary Public within and for the county and state aforesaid, personally appeared Robert M. Wilson, whose name is subscribed to the foregoing instrument, and who acknowledged that the contents of said Affidavit were true and correct and that the Affidavit was executed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Janet L Broadway
Notary Public

My Commission Expires:

9-1-01

JANET L. BROADWAY NOTARY PUBLIC PULASKI COUNTY, ARK.

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IDENTIF. ↑ REFERENCE

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