This instrument prepared by: MCJ
Robert M. Wilson, Jr.
WILSON, MCCALLA, RAYMER, BARRETT
& FRAPPIER, P.L.L.C.
17 West Pontotoc
Memphis, TN 38103
901-578-8878

BOOK 10917 PG 373

desc.)

AFFIDAVIT TO RESCIND TRUSTEE'S SALE

BEFORE ME, the undersigned authority, on this day personally appeared A. Danielle Litaker, who after being duly sworn, deposed and stated:

1) By Deed of Trust dated March 25, 1987, recorded in Book 7197 at Page 169, in the Register's Office of Davidson County, Tennessee, Ralph Victor Moore and wife, Carmen Yvette Moore conveyed to Phillip E. Hill, as Trustee for Provident Mortgage Corporation, 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:

   LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 259 ON THE PLAN OF HAYNES ESTATES, SECTION 6, OF RECORD IN BOOK 4300, PAGE 87, OF THE REGISTER'S OFFICE FOR SAID COUNTY, TO WHICH PLAN REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND DETAILED DESCRIPTION OF SAID LOT.

   Commonly known as: 4063 Fairmeade Drive, Nashville, TN 37218.

2) The current holder of the debt appointed Joe M. Kirsch as Substitute Trustee by instrument of record recorded in Book 8231 at Page 122 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. Joe M. Kirsch, 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 August 28, 1991 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 Government National Mortgage Association at and for the sum of $57,706.96, that being the highest and best bid offered.

4) By Substitute Trustee's Deed dated August 29, 1991, recorded in Book 8433 at Page 754, in the Register's Office of Davidson County, Tennessee, Joe M. Kirsch, as Substitute Trustee, conveyed the subject property to Government National Mortgage Association.

5) On August 28, 1991, Ralph V. Moore filed bankruptcy in the Middle District of Tennessee under Bankruptcy Case No. 91-391-08319-13. At the time of filing, Mr. Moore owned the property located at 4063 Fairmeade Drive, Nashville, Tennessee 37218, 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) On April 17, 1998, the present holder of the note appointed Robert M. Wilson, Jr. as Substitute Trustee and this instrument has been filed of record in the Register's Office of Davidson County, Tennessee.

7) This Affidavit is executed as notice that the Substitute Trustee's Deed dated August 29, 1991, recorded in Book 8433, at Page 754, 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.

A. Danielle Litaker

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this 21st day of APRIL, 1998, before me, a Notary Public within and for the county and state aforesaid, personally appeared A. Danielle Litaker, 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.

OFFICIAL SEAL
LYNN B. WYSE
NOTARY PUBLIC - ARKANSAS
FAULKNER COUNTY
My Commission Expires 04-26-2003

Lynn B. Wyse
Notary Public

My Commission Expires:
04/26/2003

0434028
IDENTIFICATION REFERENCE
98 MAY -5 PM 3:37
FELIX Z. [illegible] REGISTER
DAVIDSON COUNTY, TN.

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