39-B

PREPARED BY (AND RETURN TO):

**WILKINS & IVEY**
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Davidson County DEEDWARR
Recvd: 10/30/00 13:47 3pgs
Fees:15.00 Taxes:1054.50
20001030-0107440

W & I Ref: (st) Title No: 41976
Dav. Co. File: Box 8

| ADDRESS NEW OWNER: | RESPONSIBLE FOR TAX PAYMENT: |
|---|---|
| Brian T. Boland<br>Katherine E. Boland<br>2117 Ashwood Avenue<br>Nashville, TN 37212 | Southeastern Mortgage of Tennessee, Inc.<br>115 29th Ave., South<br>Nashville, TN 37212 |

**TAX MAP-PARCEL NUMBERS: 104-15-219**

# *WARRANTY DEED*

**FOR AND IN CONSIDERATION** of the sum of **$ 285,000.00,** cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Timothy P. O'Brien and spouse, Katherine L. Swaggert,** hereinafter called the **Grantor**, has bargained and sold, and by these presents does hereby transfer and convey unto **Brian T. Boland and spouse, Katherine E. Boland,** hereinafter called the **Grantee**, Grantee's heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows: **To Wit:**

Land in Davidson County, Tennessee, being Lot No. 18 on the Plan of H.P. Jacobs Subdivision of W.M. Manly Tract in the 7th Civil District of said County, Called Hillsboro Place, of record in Plat Book 547, Page 27, Register's Office for said County.

Said Lot No. 18 fronts 60 feet on the southerly margin of Hillsboro Place and extends back between parallel lines 125 feet to a dead line in the rear.

Being the same property conveyed to Timothy P. O'Brien and wife, Katherine L. Swaggert by deed from Gino Marchetti and Chris Marchetti and wife, Gina M. Marchetti of record in Book 10106, Page 159, Register's Office for Davidson County, Tennessee.

**Description Reference:** The description is the same as that used in the last deed prior to this transaction..

Above described property is subject to; Taxes for the year 2001 and subsequent years; All Matters shown on The Plan of record in Plat Book 547, Page 27, said Register's Office.

This instrument is executed on behalf of Timothy P. O'Brien by Katherine L. Swaggert as Attorney in Fact pursuant to a Power of Attorney being recorded concurrently herewith. The affidavit of said Attorney in Fact is attached as "Exhibit A" to or on this instrument and incorporated herein by reference.

**This is improved property, known as:** 2117 Ashwood Avenue, Nashville, TN 37212

**TO HAVE AND TO HOLD** the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, Grantee's heirs or assigns, forever.

**GRANTOR COVENANTS** with the said Grantee that Grantor is lawfully seised and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out.

**GRANTOR FURTHER COVENANTS** and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

**WITNESS THE EXECUTION HEREOF** this 27th day of October, 2000.

Timothy P. O'Brien by Katherine L. Swaggert Atty-In-Fact — Katherine L. Swaggert

**Timothy P. O'Brien, By: Katherine L. Swaggert, Atty-In-Fact** — **Katherine L. Swaggert**

**State of Tennessee**
**County of Davidson**

On this 27th day of October, 2000, before me the undersigned authority, personally appeared **Katherine L. Swaggert**, to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged the execution as a free act and deed.

My Commission Expires: CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN. My Commission Expires 7/26/2003

Notary Public

**State of Tennessee**
**County of Davidson**

## AFFIDAVIT

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this transfer is: $ 285,000.00

Affiant

Sworn and subscribed before me on the 27th day of October, 2000.

My Commission Expires: CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN. My Commission Expires 7/26/2003

Notary Public

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 **Katherine L. Swaggert**, with whom I am personally acquainted (or whose identity was proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument on behalf of **Timothy P. O'Brien**, as Attorney-in-Fact, as a free act and deed of the said Principal(s).

Witness my hand and official seal at Nashville, Tennessee, this the 27th day of October, 2000.

CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: My Commission Expires 7/26/2003

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## EXHIBIT "A"
**To**
**WARRANTY DEED**

**FROM: Timothy P. O'Brien and Katherine L. Swaggert**

**TO: Brian T. Boland and Katherine E. Boland**

## A F F I D A V I T

The undersigned Affiant, being first duly sworn, deposes and says as follows:

1. That the document to which this affidavit is exhibited was executed by the undersigned as attorney-in-fact for the principal(s) thereon shown.

2. That the execution is proper and within the scope of the power-of-attorney referenced in the instrument.

3. Pursuant to the provisions of *Tennessee Code Annotated,* Section 34-6-105(c), of the Uniform Durable Power of Attorney Act, the undersigned Affiant certifies that at the time of execution of said document the Affiant had no knowledge or notice of the termination of the power-of-attorney, either by revocation or by a principal's death, disability, or incapacity.

Further the Affiant Saieth not.

**Katherine L. Swaggert, Affiant**

Sworn to and subscribed before me this

27th day of October, 2000.

Notary Public

My Commission Expires:_____

CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires 7/26/2003