FILE NO.: 348.006956TN\sak
LOAN NO.: 12710232\CONV

THIS INSTRUMENT PREPARED
BY & RETURN TO:
Joel A. Freedman, Attorney
Morris, Schneider & Prior, L.L.C.
3300 N.E. Expressway, Building 8
Atlanta, GA 30341

Davidson County DEEDTRS
Recvd: 12/15/00 09:58 2pgs
Fees:11.00 Taxes:629.00
20001215-0123390

# SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated April 26, 1999, and recorded in the Register's Office of Davidson County, Tennessee, at Instrument 11459, Page 104, ("Deed of Trust"), J. Anderson Byrd and Katheryn E. Pate conveyed to James E. Hinton, as Trustee, the hereinafter described property for the purpose of securing payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned to Banc One Financial Services, Inc.; and

WHEREAS, **Banc One Financial Services, Inc.,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at Instrument **20001012010146S,** in the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and the holder of said Deed of Trust requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, the property was advertised for sale in conformity with the laws of Tennessee and the terms and provisions of said Deed of Trust on 11/2/00, 11/9/00, 11/16/00, in THE NASHVILLE RECORD, by which advertisement the sale was held on November 30, 2000, at the Main South entrance in Nashville, Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, at the time and place mentioned in said advertisement, Rick Piliponis, Esq., the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale **Banc One Financial Services, Inc.**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $ 170,000.00; and

WHEREAS, the owner and holder of said debt for which said property was sold has complied with the terms of sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance of the purchase price being credited on the indebtedness secured by said Deed of Trust;

NOW, THEREFORE, in consideration of the premises and of the payment by Banc One Financial Services, Inc. as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **Clifton E. Darnell**, as Substitute Trustee, does hereby grant, bargain, sell and convey unto **Banc One Financial Services, Inc.,** its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Land in Davidson County, Tennessee, being Lot No. 46, on the Plan of Brook Meade Addition, Section II, of record in Book 2663, Page 59, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description.
Being the same property conveyed to Anderson Byrd and Kathrine Pate, both unmarried, as Joint Tenants with rights of Survivorship and not as Tenants in Common, by deed from Gary F. Walker, unmarried, of record in Book 7438, Page 696, Register's Office of Davidson County, Tennessee. The said property having since been quitclaimed to J. Anderson Byrd, an unmarried person, and Kathrine E. Pate, and unmarried person, as joint tenants with Rights of Survivoship by deed from Anderson Byrd, unmarried, and Kathrine Pate, unmarried, of record in Book 7824, Page 355, said Register's Office.

The last recorded Warranty Deed was filed of record at Book 7824, Page 355, in the Register's Office of Davidson County, Tennessee.

TO HAVE AND TO HOLD the property described above, together with the privileges,

appurtenances, and hereditaments thereunto belonging or in any way appertaining unto the said **Banc One Financial Services, Inc.,** its successors and assigns forever, to whom the said, **Clifton E. Darnell**, as Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through or under him, but not further nor otherwise.

IN TESTIMONY WHEREOF, **Clifton E. Darnell**, Substitute Trustee, has hereunto set his hand, this 30th day of November, 2000.

**Clifton E. Darnell**, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 30th day of November, 2000, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **Clifton E. Darnell**, Substitute Trustee, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

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

Notary Public

My Commission Expires: 4-12-03

TRACY L. SHARP NOTARY PUBLIC AT LARGE COMM. EXP. 4-12-2003 SHELBY CO., TN

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STATE OF TENNESSEE
COUNTY OF SHELBY

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $ 170,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 30th DAY OF NOVEMBER 2000.

Notary Public

My Commission Expires: 4-12-03

TRACY L. SHARP NOTARY PUBLIC AT LARGE COMM. EXP. 4-12-2003 SHELBY CO., TN

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**MSP No.: 348.006956TN (Byrd)**
**Lender Loan No.: 12710232**
**Property Address: 939 Rodney Drive, Nashville, TN 37205**
**Tax Parcel ID No.: 115-04 ; 6.00**

Mail Tax Notices To and Property Owner:
Advanta Mortgage Corporation
10790 Rancho Bernardo Road
San Diego, CA 92127