**This Instrument Prepared By:**
**Nicholas W. Whittenburg**
**MILLER & MARTIN LLP**
**1000 Volunteer Building**
**832 Georgia Avenue**
**Chattanooga, Tennessee 37402-2289**

Davidson County DEEDTRS
Recvd: 01/24/01 13:37 4pgs
Fees:19.00 Taxes:203.24
20010124-0007348

| **Name and Address of New Owner:** | **Name and Address of Person or Entity Responsible for Payment of Real Property Taxes:** | **Tax Map & Parcel No:** |
|---|---|---|
| AmSouth Bank<br>P.O. Box 320380<br>Birmingham, AL 35232 | Same | 96-7/251 |

## TRUSTEE'S QUITCLAIM DEED

**THIS DEED** is executed to be effective as of the 19th day of January, 2001 from **Nicholas W. Whittenburg** as Grantor, in his capacity as Substitute Trustee, to AmSouth Bank as Grantee.

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

**WHEREAS**, on January 14, 1991, Wilbur J. White and spouse, Sharon B. White, executed a Deed of Trust (the "Deed of Trust") to the trustee named therein to secure the prompt payment of certain indebtedness held by and owing to AmSouth Bank ("Bank"), said indebtedness being more particularly described in the Deed of Trust which is of record in the Register's Office of Davidson County, Tennessee in Book 8276, Page 724, to which reference is hereby made; and

**WHEREAS**, default was made in the payment of the aforesaid indebtedness and in the performance of the covenants described in the Deed of Trust, by reason of which the entire balance owing thereunder was declared to be due and payable; and

**WHEREAS**, pursuant to the terms of the Deed of Trust, Nicholas W. Whittenburg was appointed as Substitute Trustee as reflected in that certain Appointment of Substitute Trustee recorded as Instrument Number 20001220-0124718 in the Register's Office of Davidson County, Tennessee.

**WHEREAS**, by virtue of the power and authority vested in me as Substitute Trustee under the Deed of Trust, at the request of Bank, being the owner and holder of the indebtedness secured thereby, and for the purposes of effecting payment and satisfaction of the indebtedness, including principal, interest, late charges, attorney fees and costs of sale, I, Nicholas W. Whittenburg,

as Substitute Trustee, did on January 19, 2001 commencing at 10:30 A.M. pursuant to advertisement of sale published in the *Nashville Record* in its editions of December 28, 2000, January 4, 2001, and January 11, 2001, offer for sale and sold at public auction to the highest and best bidder for cash at the front door of the Davidson County Courthouse in the City of Nashville, Tennessee, in bar of the equities of redemption, statutory redemption, dower, homestead and all other exemptions of every kind, all of which are expressly waived in the Deed of Trust, the hereinafter described real estate, at which sale the Grantee became the highest and best bidder at and for the sum of Fifty-four Thousand Nine Hundred Twenty-nine and 05/100 Dollars ($54,929.05).

**NOW, THEREFORE**, I, Nicholas W. Whittenburg, Substitute Trustee, exercising the power and authority vested in me, and in bar of the equities of redemption, statutory redemption, dower and homestead, do hereby quitclaim to the Grantee, its successors and assigns, all my interest in the following described real estate located in the City of Nashville, County of Davidson, State of Tennessee:

> LAND in Davidson County, Tennessee, being Lot No. 23 on the plan of Viewpoint Addition to West Nashville, of record in Book 547, page 65, Register's Office for said County.
>
> SAID Lot No. 23 fronts 50 feet on the southerly margin of Kentucky Avenue and extends back between parallel lines 155 feet, to an alley in the rear.
>
> BEING the same property conveyed to Elbert R. Fortner and wife, Nellie J. Fortner by deed from B.R.H. Company of record in Book 4022, page 268, Register's Office for Davidson County, Tennessee.
>
> Description Reference: Described according to (or by reference to) the recorded subdivision Plan.
>
> The property address is believed to be:
> 4701 Kentucky Avenue, Nashville, TN 37209.

**For source of Grantor's equitable interest in the property, reference is made to Book 8276 Page 724, Register's Office of Davidson County, Tennessee. The legal description is unchanged from prior deed of record.**

The Substitute Trustee does hereby quitclaim unto Grantee all of his right, title and interest in the said property and not further or otherwise and subject to any governmental zoning or subdivision ordinances or regulations in effect thereon and further subject to any unpaid taxes or assessments owing on the property.

**The land described herein is conveyed subject to the rights of the United States to redeem the land as provided in 26 U.S.C. § 7425(d)(1) and/or is subject to the right of the State of Tennessee to redeem the land as provided for in T.C.A. § 67-1-1433(c). Attached hereto are copies of the notice provided to the United States and/or the State of Tennessee and responses thereto, if any.**

**IN WITNESS WHEREOF**, I, Nicholas W. Whittenburg, Substitute Trustee, have executed this instrument to be effective the date first above written.

Nicholas W. Whittenburg
Substitute Trustee

**STATE OF TENNESSEE** )
**COUNTY OF HAMILTON** )

Personally appeared before me, KATHLEEN L. SCHULT Notary Public, Nicholas W. Whittenburg, with whom I am personally acquainted, and who acknowledged that he/she executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 22ND day of JANUARY, 2001.

Notary Public

My Commission Expires: 7/22/01

**STATE OF TENNESSEE )**
**COUNTY OF HAMILTON )**

I hereby swear or affirm that, to the best of my knowledge, information and belief, the actual consideration for this transfer is $ 54,929.05 .

Nicholas W. Whittenburg

Sworn to and subscribed before me
this 23rd day of January, 2001.

Notary Public

My Commission Expires: 7/22/01