Davidson County DEEDTRS
Recvd: 02/26/01 11:18 4pgs
Fees:19.00 Taxes:255.30
20010226-0017517

THIS INSTRUMENT PREPARED BY:
WHITE & REASOR, PLC
3305 West End Avenue
Nashville, Tennessee 37203

| Address New Owner: | Send Tax Bills To: | Map-Parcel No.: |
|---|---|---|
| James L. Deatrick, Jr. and Marty L. Penix, as tenants in common 1285 North Mt. Juliet Road Mt. Juliet, Tennessee 37122 | Same | 162-8/68 |

SUCCESSOR TRUSTEE'S SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of One and No/100 Dollar ($1.00), the receipt of which is hereby acknowledged, John M. Baird, Successor Trustee, hereinafter called "Grantor," acting as Successor Trustee, only, has this day bargained and sold, and does hereby transfer and convey unto James L. Deatrick, Jr., and Marty L. Penix, as tenants in common, hereinafter called "Grantee," Grantee's successors, heirs and assigns, certain real estate in Davidson County, Tennessee, described as follows:

Land in Davidson County, Tennessee, being Lot No. 8 on the plan of the resubdivision of Land Estates, of record in Book 4860, page 65, Register's Office for said County.

Said Lot No. 8 fronts 98.67 feet on the westerly margin of Shacklett Lane Court and extends back 143.55 feet on the northerly line and 164.12 feet on the southerly line to a dead line in the rear, measuring 32.49 feet thereon.

Being the same property conveyed to William T. Berry and wife, Sonja M. Berry by Quitclaim Deed from Sonja M. Berry, et al of record in Book 9342, page 823, Register's Office for Davidson County, Tennessee.

This is improved property known as 109 Shacklett Lane, Antioch, Tennessee 37013.

This conveyance is made pursuant to the powers conferred upon Grantor by that Deed of Trust ("Deed of Trust") executed May 9, 1994, by William T. Berry and Sonja M. Berry to Ronald L. Samuels, Trustee, appearing of record in Book 9345, page 940, Register's Office for Davidson County, Tennessee, with the Grantor having been appointed Successor Trustee by an instrument of record as Instrument Number 20010112-0004199, said Register's Office. As set forth in that Notice of Foreclosure Sale, a copy of which is attached hereto as Exhibit "A," published pursuant to the Deed of Trust and applicable law in the Nashville Record on January 25, 2001, February 1, 2001 and February 8, 2001, default was made in the terms, conditions, provisions, and payments provided for in the Deed of Trust, and the sale at foreclosure of the above-described property was scheduled for Thursday, February 15, 2001, at 11:15 a.m., at the south door of the Davidson County Courthouse in Nashville, Davidson County, Tennessee. At that time, the foreclosure sale was held and concluded as provided in the foreclosure notice, with the Grantee constituting the highest bidder at such sale.

TO HAVE AND TO HOLD the said Property with all appurtenances, estate, title and interest thereto belonging to the said Grantee, Grantee's successors, heirs and assigns, forever. Grantor, solely in Grantor's fiduciary capacity as Successor Trustee, covenants and binds himself, his successors in trust and assigns, to warrant and forever defend the title to the Property to the Grantee, Grantee's successors, heirs and assigns, against the lawful claims of all persons whomsoever are claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this the 20th day of February, 2001.

"GRANTOR"

John M. Baird, Successor Trustee

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, Jennifer R. Frey, a Notary Public for the state and county aforesaid, John M. Baird, Successor Trustee, with whom I am personally acquainted, and who acknowledged he executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 20th day of February, 2001.

JENNIFER R. FREY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires:

10-25-03

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration for this transfer is $69,000.00 gms.

Affiant

SUBSCRIBED and sworn to before me, this 23 day of February, 2001.

JENNIFER R. FREY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires:

10-25-03

Exhibit "A"

NOTICE OF FORECLOSURE SALE

Default having occurred under that Deed of Trust (the "Deed of Trust") dated May 9, 1994, executed by William T. Berry and Sonja M. Berry ("Grantor"), to Ronald L. Samuels, Trustee, the Deed of Trust being of record in Book 9345, page 940, Register's Office for Davidson County, Tennessee; and John M. Baird, having been duly appointed Successor Trustee by instrument of record as Instrument Number 20010112-0004199, said Register's Office.

NOW, THEREFORE, I, John M. Baird, as Successor Trustee and not otherwise, acting upon the demand of First Union National Bank, which is the lawful owner and holder of the indebtedness secured by the Deed of Trust, will, on

Thursday, February 15, 2001

at 11:15 a.m. (eleven fifteen o'clock in the morning) at the south door of the Davidson County Courthouse in Nashville, Tennessee, sell to the highest bidder for cash, at public outcry, the real property (the "Property") in Davidson County, Tennessee, described as follows:

> Land in Davidson County, Tennessee, being Lot No. 8 on the plan of the resubdivision of Land Estates, of record in Book 4860, page 65, Register's Office for said County.
>
> Said Lot No. 8 fronts 98.67 feet on the westerly margin of Shacklett Lane Court and extends back 143.55 feet on the northerly line and 164.12 feet on the southerly line to a dead line in the rear, measuring 32.49 feet thereon.
>
> Being the same property conveyed to William T. Berry and wife, Sonja M. Berry by Quitclaim Deed from Sonja M. Berry, et al of record in Book 9342, page 823, Register's Office for Davidson County, Tennessee.

The street address of the Property is 109 Shacklett Lane, Antioch, Tennessee 37013.

The map/parcel number of the Property is 162-8/68.

The Property sold pursuant to this Notice shall be sold "AS IS," and neither the Successor Trustee nor the beneficiary of the Deed of Trust, nor any agent or attorney therefor makes or shall make any warranty as to the condition, quality or quantity thereof, including, but not limited to, the enforceability of any lease affecting the Property, the existence or absence of defaults under or the effect of this foreclosure sale upon the rights of any party under such a lease.

The sale of the Property shall be subject to any and all prior liens, encumbrances, deeds of trust, easements, restrictions, building lines, unpaid taxes and assessments, plus penalty and interest (if any), riparian rights, and any redemptive rights (including redemptive rights of any taxing authority by reason of any tax liens), plus any and all other rights, matters, and encumbrances superior in right to the lien of the Deed of Trust.

The sale of the Property may be adjourned by the Successor Trustee and may be reset at a later time and/or date by announcement at the time and place of the originally advertised sale and without any further publication. The sale of the Property shall be conducted for cash (or credit upon the indebtedness

secured by the Deed of Trust if the lawful owner and holder thereof is the successful purchaser) to be tendered upon the conclusion of the bidding; provided, however, that prior to the sale of the Property, the Successor Trustee, acting on his own behalf or by and through one or more agents or representatives, announce different or additional terms pursuant to which the sale of the Property shall be conducted.

Other interested parties: Gene H. Smith and wife, Patricia C. Smith, under Deed of Trust of record in Book 10835, page 486, Register's Office for Davidson County, Tennessee.

This 17 day of January, 2001.

John M. Baird, as Successor Trustee, and not otherwise
WHITE & REASOR, PLC
3305 West End Avenue
Nashville, Tennessee 37203
(615) 383-3345

WHITE & REASOR, PLC

By: Steven L. West
Steven L. West, Attorneys for Successor Trustee

Insertion dates: January 25, 2001, February 1, 2001 and February 8, 2001.

Newspaper for Publication: Nashville Record