PREPARED BY:

Marty M. Stone
Duncan & Mosley
701 Market Street, Suite 1000
Chattanooga, Tennessee 37402

PICK-UP

GRANTEE: Alvin D. Hale & Timothy McAuley

ADDRESS 185 N. Mt. Juliet Road
Mt. Juliet, TN 37122

Davidson County DEEDTRS
Recvd: 02/27/01 11:36 3pgs
Fees:15.00 Taxes:402.23
20010227-0018071

SEND TAX NOTICE TO: Same

MAP GROUP AND PARCEL NUMBER: Map 53-13 Parcel 136

TRUSTEE'S DEED

WHEREAS, a Deed of Trust was executed by Kevin T. Collins and Lisa A. Collins to Arnold M. Weiss, Trustee, for the use and benefit of Homegold, Inc. d/b/a Emergent Mortgage Corp. on November 19, 1999 and recorded in **Book 11761, Page 578** of the Register's Office in Davidson County, Tennessee conveying the hereinafter described real property in trust to secure payment of a promissory note, and said promissory note being described therein and payable to the order of Homegold, Inc. d/b/a Emergent Mortgage Corp., said note assigned to Bank One, N.A., by Assignment of Deed of Trust executed on June 8, 2000, recorded as **Instrument No. 200007030065660** in the Register's Office of Davidson County, Tennessee, and

WHEREAS, under the terms of said Deed of Trust, Marty M. Stone was appointed substitute trustee on December 6, 2000, which instrument is recorded as **Instrument No. 200012110121837**, in the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in payment of installments maturing on the above described promissory note and in performance of the covenants contained in the Deed of Trust by reason of which the entire balance owing thereon was declared due and payable, the default being made in payment thereof, and such default continuing; and

WHEREAS, by virtue of the power and authority vested in him as substitute trustee, the said Marty M. Stone, at the request of the owner of said note, and for the purpose of effecting payment in satisfaction thereof, principal and interest, attorney's fees and costs of sale, pursuant to the advertisement published in *The Nashville Record*, a newspaper published and of general circulation in Davidson County, Tennessee, in its issues of January 18, 2001, January 25, 2001 and February 1, 2001, offered for sale and sold on February 16, 2001 at 10:00 a.m., at public outcry to the highest and best bidder for cash at the courthouse in the City of Nashville, Davidson

County, Tennessee, in bar of the equities of redemption, dower and homestead, the hereinafter described real estate, at which sale, Alvin D. Hale & Timothy McCauley, being the highest and best bidders, and for the sum of **ONE HUNDRED EIGHT THOUSAND SEVEN HUNDRED ELEVEN AND 00/100 DOLLARS ($108,711.00)** became the purchasers thereof.

NOW THEREFORE, Marty M. Stone, substitute trustee, exercising the power and authority vested in him, and in bar of the equities of redemption, dower and homestead, does hereby sell, transfer and convey unto Alvin D. Hale & Timothy McAuley the following described property located at 749 Jessica Taylor Drive, Madsion, Davidson County, Tennessee, and more particularly described as follows:

> BEING Lot No. 79 on the plan of Kimbolton, Phase 2, of record in Book 6900 pages 792-794 Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Subject to all unpaid taxes and all other restrictions, easements and encumbrances of record.

TO HAVE AND TO HOLD the said described real estate unto Alvin D. Hale & Timothy McCauley, its successors and assigns forever in fee simple.

Said Deed of Trust recites title as unencumbered, but sale was advertised and made as trustee only, without covenants or warranties of title, subject to any unpaid taxes and assessments owing on said property, and this conveyance is made accordingly.

IN WITNESS WHEREOF, Marty M. Stone, substitute trustee, has caused this instrument to be executed on this the 19th day of February, 2001.

MARTY M. STONE, Substitute Trustee

STATE OF TENNESSEE)
)
COUNTY OF HAMILTON)

Personally appeared before me, notary public of said county, MARTY M. STONE, the within named bargainor with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

BARBARA C. GRAVES NOTARY PUBLIC HAMILTON COUNTY

Witness my hand, at office, this the 19th day of February, 2001.

Barbara C Graves
Notary Public

My Commission Expires: My Commission Expires April 7, 2004

I swear that the actual consideration for this transfer or value of the property transferred, whichever is greater, is **$108,711.00** which amount is equal to or greater than the amount which the property transferred would commend at a fair and voluntary sale.

_____
AFFIANT

Sworn to before me this the
____ day of _____,2001.

_____
Notary Public

My commission expires:_____

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 108,711

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 27th DAY OF Feb. 2001.

Deputy Register