FILE NO.: 469.003595TN\alk
LOAN NO.: 0040111379\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

PICK-UP

Davidson County DEEDTRS
Recvd: 02/27/01 11:36 2pgs
Fees:11.00 Taxes:335.43
20010227-0018072

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated April 21, 1997, and recorded in the Register's Office of Davidson County, Tennessee, at Instrument No. 10436, Page 295, ("Deed of Trust"), Joe C Boleyjack and Carla Boleyjack conveyed to John M. Jordan, 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 The Bank of New York, as Trustee under the Pooling and Servicing Agreement dated as of May 31, 1997, Series 1997-B; and

WHEREAS, **The Bank of New York, as Trustee under the Pooling and Servicing Agreement dated as of May 31, 1997, Series 1997-B,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Book 200006160060, Page 007**, 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 January 4, January 11, and January 18, 2001, in THE NASHVILLE RECORD, by which advertisement the sale was held on February 15, 2001, 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 **Alvin D. Hale and Timothy McAuley**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of **$ 90,658.00**; and

WHEREAS, **Alvin D. Hale and Timothy McAuley** has/have 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 **Alvin D. Hale and Timothy McAuley** 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 **Alvin D. Hale and Timothy McAuley**, his/her/their successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Land in the 11th Civil District (formerly 10th civil district) of Nashville, Davidson County, Tennessee being Lot No. 137 laying on the south side of Dalemere Dr., of Dalemere Subdivision Section 6, of record in Book 3700, page 22 Register's Office for said county. Being the same property conveyed to Joe C. Boleyjack and wife, Carla Boleyjack by deed from Joe C. Boleyjack and wife, Carla Boleyjack of record in Book 10052, page 94 Register's Office for Davidson County, Tennessee.

The last recorded Warranty Deed was filed of record at Book 10052, Page 94, in the Register's Office of Davidson County, Tennessee.

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TO HAVE AND TO HOLD the property described above, together with the privileges, appurtenances, and hereditaments thereunto belonging or in any way appertaining unto forever, to **Marty Penix and James L. Deatrick, Jr.**, his/her/their successors and assigns, 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 15th day of February, 2001.

Clifton E. Darnell, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 15th day of February, 2001, 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

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

My Commission Expires: 4/2003

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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 $ 90,658.00, 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 15th DAY OF FEBRUARY 2001.

Notary Public

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

My Commission Expires: 4/2003

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MSP No.: 469.003595TN (Boleyjack)
Lender Loan No.: 0040111379
Property Address: 1317 Dalemere, Nashville, TN 37207
Tax Parcel ID No.: 41-03; 25.00

Mail Tax Notices To and Property Owner:
Marty Penix and James L. Deatrick, Jr.
1285 North Mt. Juilet Road
Mt. Juliet, TN 37122