FILE NO.: 469.012165TN\alk
LOAN NO.: 0090412420\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: 04/23/01 13:52 2pgs
Fees:11.00 Taxes:140.08

20010423-0039966

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated June 18, 1997, and recorded in the Register's Office of Davidson County, Tennessee, at Instrument No. 10506, Page 718, ("Deed of Trust"), Kenneth Ray Moore and Tina Moore conveyed to John M. Jordon, 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 August 31, 1997, Series 1997-C; and

WHEREAS, **The Bank of New York as Trustee under the Pooling and Servicing Agreement dated as of August 31, 1997, Series 1997-C,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument No. 200102140014183,** 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 February 22, March 1, and March 8, 2001, in THE NASHVILLE RECORD, by which advertisement the sale was held on April 12, 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 **The Bank of New York as Trustee under the Pooling and Servicing Agreement dated as of August 31, 1997, Series 1997-C,** being the highest, best and last bidder, became the purchaser of said property at and for the sum of $ 37,860.66; 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 The Bank of New York as Trustee under the Pooling and Servicing Agreement dated as of August 31, 1997, Series 1997-C 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 **The Bank of New York as Trustee under the Pooling and Servicing Agreement dated as of August 31, 1997, Series 1997-C,** its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Lot No. 2 according to a survey made by William Marlin Keel, dated August 1984, as follows: Beginning at an iron pin in the easterly margin of Clarksville Highway (U.S. Highway 41-A) said point being the southwest corner of Lot 1, being conveyed to Elizabeth Moore Frazier; thence along the dividing line between said Lots 1 & 2, N 67 deg. 02' 29" East 553.10 feet to an iron pin; thence South 35 deg. 52' 33" East 270.00 feet to an iron pin; thence South 33 degrees 57' 49" West 138.73 feet to an iron pin;thence South 73 deg. 24' 37" West 235.0 feet to a concrete monument in the Easterly margin of Clarksville Highway;thence with the Easterly margin of Clarksville Highway, along a curve to the left (R-1945.0 feet; L- 9 degrees 16' 13") containing 1.86 acres, more or less. Being the same property conveyed to Nora Moore, Administratrix of the Estate of Robert E. Moore, Jr. by Quit Claim Deed from Nora Moore and Kenneth Ray Moore, being heirs-at-law of Robert E.

Moore, Jr., of record in Book 8205, Page 178, Register's Office for Davidson County, Tennessee. Being the same property conveyed to Nora Moore and son, Kenneth Ray Moore by Quit Claim Deed from Lucien Dale, Trustee, of record in Book 6843, Page 45, Register's Office for Davidson County, Tennessee. Being the same property conveyed to Robert E. Moore, Jr., now deceased by Quit Claim Deed from Elizabeth Moore Frazier, Trustee, of record in Book 6691, Page 380, Register's Office for Davidson County, Tennessee. Also being the same property conveyed to Kenneth Ray Moore by deed from Nora Moore of record in Book 8205, Page 181, Register's Office for Davidson County, Tennessee.

The last recorded Warranty Deed was filed of record at Instrument No. 8205, Page 181, 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 **The Bank of New York as Trustee under the Pooling and Servicing Agreement dated as of August 31, 1997, Series 1997-C,** 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 12th day of April, 2001.

Clifton E. Darnell, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 12th day of April, 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 $ 37,860.66, 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 12th DAY OF APRIL 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.: 469.012165TN (Moore)
Lender Loan No.: 0090412420
Property Address: 5742 Clarksville Pike, Joelton, TN 37080
Tax Parcel ID No.: 29-00 ; 98.00
Mail Tax Notices To and Property Owner:
TMS Mortgage, Inc., dba The Money Store
9 Dunwoody Park, Suite 107
Atlanta, GA 30338