FILE NO.: 469.011845TN\alk
LOAN NO.: 0040420887\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: 05/21/01 08:06 2pgs
Fees:11.00 Taxes:208.09
20010521-0052062

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated November 13, 1998, and recorded in the Register's Office of Davidson County, Tennessee, at Instrument No. 11168, Page 197, ("Deed of Trust"), Alfred Malone, Jr. conveyed to Transcontinental Title, 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 First Union National Bank; and

WHEREAS, **First Union National Bank,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument No. 200102050011308**, 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 1, February 8 and February 15, 2001, in THE NASHVILLE RECORD, by which advertisement the sale was held on March 22, 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 **First Union National Bank**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of $ 56,239.56; 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 First Union National Bank 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 **First Union National Bank,** its successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Land in Davidson County, Tennessee, being Lot No. 25 on the plan of Section I, Parkwood Estates, as of record in Book 2900, Page 119 and 120, Register's Office for said County. Being the same property conveyed to Alfred Malone, Jr. by Warranty Deed from James L. Winters and wife, Ann Winters dated September 13,1976 and recorded September 20,1976 in Book 5069, Page 799, in the Register's Office for Davidson County, Tennessee.

The last recorded Warranty Deed was filed of record at Instrument No. 5069, Page 799, 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 **First Union National Bank,** 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 22nd day of March, 2001.

Clifton E. Darnell, Substitute Trustee

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 22nd day of March, 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

My Commission Expires: 4-12-03

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

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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 $ 56,239.56, 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 22nd DAY OF MARCH 2001.

Notary Public

My Commission Expires: 4-12-03

TRACY L SHARP NOTARY PUBLIC AT LARGE

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MSP No.: 469.011845TN (Malone)
Lender Loan No.: 0040420887
Property Address: 3116 Richmond Hill Drive, Nashville, TN 37207
Tax Parcel ID No.: 60-0;39.00

Mail Tax Notices To and Property Owner:
TMS Mortgage, Inc., dba The Money Store
9 Dunwoody Park, Suite 107
Atlanta, GA 30338