*This instrument prepared by:*
MICHAEL J. PHILBIN, P.C.
2021 Richard Jones Road, Suite 220
Nashville, Tennessee 37215-2860

Davidson County DEEDTRS
Recvd: 06/08/01 09:02 3pgs
Fees:15.00 Taxes:259.00
20010608-0060520

# TRUSTEE'S DEED

**Michael J. Philbin,**
**Successor Trustee**

**to**

**LIBERTY SAVINGS BANK, F.S.B.**
**P. O. Box 1000**
**Wilmington, OH 45177-1000**
**SEND TAX BILLS HERE**
**NO MORTGAGEE**

**Map #51**
**Group #1**
**Parcel #9**

**WHEREAS**, Richard Brisendine, unmarried, executed a deed of trust on the 5th day of December, 1997, which was recorded in Book 10720, Page 915, Register's Office, Davidson County, Tennessee, conveying to John M. Jordan, Trustee, the property hereinafter described to secure the payment of a promissory note payable to U. S. Trust Mortgage, Inc. referred to in said deed of trust; and

**WHEREAS,** the aforesaid note and deed of trust were assigned to Cityscape Corp by instrument of record in Book 10720, Page 927, said Register's Office; and

**WHEREAS,** the aforesaid note and deed of trust were assigned to State Street Bank and Trust Company, as Trustee for Bear Stearns Mortgage Capital Corporation, by instrument of record in Book 10976, Page 506, said Register's Office; and

**WHEREAS,** the aforesaid note and deed of trust were assigned to Liberty Savings Bank, F.S.B. by instrument of record in Book 10976, Page 508, said Register's Office; and

**WHEREAS,** the aforesaid note and deed of trust was modified by a loan modification agreement dated March 1, 2000 and recorded as instrument no. 200007030065564 in said Register's Office; and

**WHEREAS**, Michael J. Philbin, was appointed Successor-Trustee, said appointment being recorded as instrument no. 20010508-0047735, Register's Office, Davidson County, Tennessee; and

**WHEREAS**, default occurred in the performance of the terms of said Promissory Note and/or the Deed of Trust securing the same and the noteholder in accordance with the provisions therein declared the entire indebtedness due and payable and requested the Trustee, Grantor herein, advertise and sell the property; and

**WHEREAS**, the sale was advertised as required by law and in accordance with the terms of the Deed of Trust, by giving twenty-one (21) days notice by three (3) successive weekly publications appearing in the Nashville Record, a newspaper published and circulated in Davidson County, Tennessee; and pursuant to the advertisement, the sale was held at the time and place advertised, to-wit: June 5, 2001 at 10:30 a.m.. at the front door of the Courthouse in Nashville, Davidson, County, Tennessee, at public outcry, **in bar of all right of homestead, equity of redemption, statutory right of redemption and relinquishing all other rights and exemptions of every kind, including but not limited to, a statutory right to an elective share in the property,** all of which were expressly waived in said Deed of Trust; and

**WHEREAS,** Grantee herein, Liberty Savings Bank, F.S.B., being the highest and best bidder at said sale with a bid of Seventy Thousand and No/100 Dollars ($70,000.00), was duly declared the purchaser.

**NOW, THEREFORE**, in consideration of the premises and the further consideration of Seventy Thousand and No/100 Dollars ($70,000.00), paid by Liberty

Savings Bank, F.S.B., the receipt of which is hereby acknowledged, I, Michael J. Philbin, Successor-Trustee, have this day bargained and sold and by these presents do hereby transfer and convey unto Liberty Savings Bank, F.S.B., its successors and assigns, the following tract of land situated in Davidson County, Tennessee, and more particularly described as follows, to-wit:

> Being Lot No. 15 on the map of Due West Valley Acres, not of record, in the 11th Civil District of Davidson County, Tennessee, and described according to a copy of a survey thereof by H.R. Swann, Jr., surveyor, dated April 20, 1947 as follows:
>
> Beginning at a point on the north margin of Due West Avenue at the corner of Lots 14 and 15; thence with the line between said lots, northerly 598.2 feet to a point; thence easterly 100 feet to the corner of lots no. 15 and 6; thence with the line between said lots southerly 602.57 feet to the north margin of Due West Avenue; thence with the margin of the same 100 feet to the point of beginning.
>
> Being the same property conveyed to Richard Brisendine by deed of record in Book 10720, Page 912, Register's Office for Davidson County, Tennessee.
>
> This is improved property also known as 1006 Due West Avenue North, Madison, TN 37115.

**TO HAVE AND TO HOLD** said real estate together with the appurtenances, estate, title and interest thereunto belonging to the said Liberty Savings Bank, F.S.B., its successors and assigns forever as fully and completely as the Successor-Trustee can or ought to convey under the power vested in the Trustee in said Deed of Trust and his appointment as Successor-Trustee; and said Successor-Trustee, Grantor herein, does hereby transfer and assign to Liberty Savings Bank, F.S.B., its successors and assigns all the warranties and covenants made in said Deed of Trust.

This conveyance is made subject to all matters shown on any applicable recorded Plan; any unpaid taxes; any restrictive covenants, easements or setback lines that may be applicable; any statutory rights of redemption of any governmental agency, state or federal; and any prior liens or encumbrances as well as any priority created by a fixture filing; and subject to any matter that an accurate survey of the premises might disclose.

**IN WITNESS WHEREOF**, the said Michael J. Philbin, Successor-Trustee, has hereunto set his hand this 5th day of June, 2001.

Michael J. Philbin, Successor-Trustee

**STATE OF TENNESSEE §**
**COUNTY OF DAVIDSON §**

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Michael J. Philbin, Successor-Trustee, the 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.

WITNESS my hand and official seal at Nashville, Tennessee, this 5th day of June, 2001.

DARLA HIXON NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

**Darla Hixon**
My Commission Expires
May 26, 2002

Notary Public

Commission Expiration Date

Printed Name of Notary

**STATE OF TENNESSEE §**
**COUNTY OF DAVIDSON §**

The actual consideration of value, whichever is greater for this transfer is $70,000.00.

AFFIANT

WITNESS my hand and official seal at Nashville, Tennessee, this 5th day of June, 2001.




**Darla Hixon**
My Commission Expires
May 26, 2002

Notary Public

Commission Expiration Date

Printed Name of Notary