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

Davidson County DEEDTRS
Recvd: 12/31/01 08:03 3pgs
Fees:18.00 Taxes:432.92
20011231-0144642

TRUSTEE'S DEED

Michael J. Philbin,
Successor Trustee

to

SUNTRUST MORTGAGE, INC.
P. O. Box 26149
Richmond, VA 23260-6149
SEND TAX BILLS HERE
NO MORTGAGEE

Map #57-0
Parcel #70

WHEREAS, Robert W. Hayes and wife, Kimberly A. Hayes executed a deed of trust on the 9th day of October, 2001, which was recorded in Book 10904, Page 96, Register's Office, Davidson County, Tennessee, conveying to Cumberland Title Company, Trustee, the property hereinafter described to secure the payment of a promissory note payable to First Republic Mortgage Corporation referred to in said deed of trust; and

WHEREAS, the aforesaid note and deed of trust were assigned to Crestar Mortgage Corporation in Book 10970, Page 932, said Register's Office; and

WHEREAS, Crestar Mortgage Corporation was merged into SunTrust Mortgage, Inc. on October 1, 1999, pursuant to a certificate of merger recorded in the Department of the Secretary of State for the Commonwealth of Virginia; and

WHEREAS, Michael J. Philbin, was appointed Successor-Trustee, said appointment being recorded as Instrument No. 20011127-0129344, 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: December 27, 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, the statutory right of redemption, and all other rights or 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 and relinquished in the Deed of Trust; and

WHEREAS, Grantee herein, SunTrust Mortgage, Inc., being the highest and best bidder at said sale with a bid of One Hundred Seventeen Thousand, Six and 37/100 Dollars ($117,006.37), was duly declared the purchaser.

NOW, THEREFORE, in consideration of the premises and the further consideration of One Hundred Seventeen Thousand, Six and 37/100 Dollars ($117,006.37), paid by SunTrust Mortgage, Inc., 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 SunTrust Mortgage, Inc., its successors and assigns, the following tract of land situated in Davidson County, Tennessee, and more particularly described as follows, to-wit:

Land lying in Davidson County, Tennessee and being more particularly described according to a survey by First Financial Surveyors, Inc. dated April 20, 1998 as follows:

Beginning at an iron pin in the southerly margin of Cato Road, said point being George Cochran's northwesterly corner, as of record in Book 7505, Page 613, said point also being the northeasterly corner of the subject tract, thence leaving said margin and with Cochran's westerly line and the westerly line of Map 58, Parcel 200 South 05 degrees 29' 13" West 689.69 feet to an iron pipe, said point being Paul Porter's northeasterly corner, as of record on Book 4185, Page 351; thence with Porter's northerly line North 85 degrees 23'57" West 234.53 feet to an iron pipe, said point being Buena Brown's northeasterly corner, as of record in Book 6127, Page 488; thence with Brown's northerly line North 38 degrees 40'04" West 197.08 feet to a point in Cato Branch, said point being South 38 degrees 40'04" East 17.63 feet from a chiseled hole in the centerline of a bridge over Cato Branch, said point also being in the easterly line of a 25 foot wide strip of land conveyed to Ralph and Hazel Gartman; thence with the easterly line of said 25 foot strip North 06 degrees 30'00" East 498.71 feet to an iron pin in the southerly margin of Cato Road; thence with said margin North 87 degrees 08'07" East 366.86 feet to the point of beginning and containing 5.40 acres, more or less.

The aforesaid conveyance was subject to any and all existing easements and restrictions of record.

In addition, the conveyance was subject to a gravel drive along the easterly property line of said subject tract used for access to adjoining tracts lying south of this property.

Being the same property conveyed to Robert W. Hayes and wife, Kimberly A. Hayes, by deed from Cecil Carman and Margaret Ann Carman Norfleet, Trustees under the Will of Bethel P. Carman, which instrument is of record in Book 10904, Page 92, said Register's Office.

This is improved property also known as 4473 Cato Road, Nashville, TN 37218.

TO HAVE AND TO HOLD said real estate together with the appurtenances, estate, title and interest thereunto belonging to the said SunTrust Mortgage, Inc., 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 SunTrust Mortgage, Inc., 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 27th day of December, 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 27th day of December, 2001.



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 $117,006.37.

Michael J. Philbin, AFFIANT

WITNESS my hand and official seal at Nashville, Tennessee, this 27th day of December, 2001.



Darla Hixon
My Commission Expires
May 26, 2002

Notary Public

Commission Expiration Date

Printed Name of Notary