PICK-UP

Davidson County DEEDTRS
Recvd: 01/16/02 08:44 2pgs
Fees:13.00 Taxes:304.06
20020116-0006322

SUBSTITUTE TRUSTEE'S DEED

State of Tennessee }
County of Davidson)

The actual consideration of value, whichever ~~is greater,~~ for this transfer is **$82,179.07**

Affiant

Sworn to and subscribed before me this 16 day of January, 2002

NOTARY PUBLIC

My Commission expires 9/28/02

This instrument prepared by:

Robert F. Spann, Attorney
214 Second Avenue, North, Suite 400
Nashville, TN 37201

ADDRESS-NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL NUMBER:
Joseph H. Rutherford, etux	**Same**	**Map 82-16**
1104 Stratton Avenue		**Parcel 303**
Nashville, TN 37206		

WHEREAS, on the 31st day of January, 2001, George M. Terrellexecuted an Deed of Trust to Saturn and Mazer Title Services, Inc., of Davidson County, Tennessee, **Trustee**, to secure a promissory note of even date to Joseph H. Rutherford and Mary D. Rutherford, in the amount of $80,000.00, as fully set out in said Deed of Trust of record in Instrument No. 20010202-0010497, Register's Office for Davidson County, Tennessee; and

WHEREAS, the said Saturn and Mazer Title Services, Inc., of Davidson County, Tennessee is unable to act as Trustee under said Deed of Trust , and I have been appointed as Substitute Trustee by the owner and holder of said note by an instrument of record in Instrument No. 20011128-0129686, Register's Office for Davidson County, Tennessee; and

WHEREAS, default was made in the payment of said indebtedness and in the performance of the other covenants and agreements contained in said Deed of Trust, and Josaeph H. Rutherford and Mary D. Rutherford, the lawful owner and holder of said indebtedness having declared all the unpaid installments due and payable, called upon the undersigned Trustee to exercise the power of sale conferred by said Installment Deed, and to sell the hereinafter described property; and

WHEREAS, I. Robert F. Spann, Substitute Trustee, did give notice of the time and place of sale by publication in the Nashville Record, a newspaper published in Nashville, Davidson County, Tennessee, for three (3) consecutive weeks, one insertion of said advertisement appearing in each of the issues of said newspaper on 12-06-01, 12-13-01, and 12-20-01, respectively; and

WHEREAS, said sale was postponed from December 28, 2001 until January 15, 2001, and

WHEREAS, pursuant to said notice, I, the undersigned, Robert F. Spann, Substitute Trustee, did offer the property for sale at public outcry to the highest and best bidder for cash, subject to all restrictions of record, all unpaid taxes, and any other prior mortgages and valid liens of record on January 15, 2002, at 10:30 AM at the main front door of the Davidson County Courthouse, Nashville, Davidson County, Tennessee; and

WHEREAS, at the sale, Joseph H. Rutherford and Mary D. Rutherford was the highest and best bidder, the amount of his bid being in the sum of eighty-two thousand one hundred seventy-nine and 07/100 dollars ($82,179.07); and

NOW THEREFORE, I Robert F. Spann, Substitute Trustee, and pursuant to the power and authority contained in said Deed of Trust and in consideration of eighty-two thousand one hundred seventy-nine and 07/100 dollars ($82,179.07) credited and applied as payment on the note secured by the aforementioned Deed of Trust, and further credited and applied against attorney's fees, trustee's fees, and expenses incurred pursuant to said sale, do by these presents sell and transfer and convey unto Joseph H. Rutherford and Mary D. Rutherford, hereinafter known as the Grantee, their successors and assigns, a certain tract of land in Davidson County, Tennessee, described as follows:

Being Lot No. 73 in Williams' First Addition to Edgefield, now East Nashville, as of record in Book 21, page 45, Register's Office for Davidson County, Tennessee

Said Lot No. 73 fronts 50 fet on the northerly side of Boscobel Street, and runs back between parallel lines 175 feet to an alley.

Being the same property conveyed to George M. Terrell by deed from Joseph H. Rutherford and wife, Mary Della Rutherford, of record in Instrument No. 20010202-0010496, said Register's Office.

This is property known as 717 Boscobel Street, Nashville, TN 37206

This conveyance is made subject to all unpaid taxes and all matters of record in the Register's Office for Davidson County, Tennessee.

This conveyance is made subject to all restrictions of record, and any other prior mortgages and valid liens of record.

TO HAVE AND TO HOLD said tract of land, together with all appurtenances, estate title, and interest thereto belonging to the said Grantee, his successors and assigns, forever.

I, Robert F. Spann, Substitute Trustee, under the Deed of Trust of record in Instrument No. 20010202-0010497, Register's Office for Davidson County, Tennessee, do hereby transfer unto the said Grantee, his successors and assigns, all the rights, title and interest in and to said property vested in me, and which I have a right to transfer, in as full and ample a fashion as I, as Substitute Trustee, under said Installment Deed, can or should do, but not further or otherwise.

IN WITNESS WHEREOF, the said Robert F. Spann, Substitute Trustee, has hereunto set his hand, this the 15th day of January, 2002.

ROBERT F. SPANN, SUBSTITUTE TRUSTEE,

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public of said County and State Robert F. Spann, Substitute Trustee, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument as Trustee, for the purposes therein contained.

WITNESS my hand, at office, this 15th day of January, 2002.

NOTARY PUBLIC

My Commission Expires: 9/28/02