PREPARED BY:
Stuart E. Duncan
Duncan & Mosley
701 Market Street, Suite 1000
Chattanooga, Tennessee 37402

SEND TAX NOTICE TO:
Grantee-Bank One, N.A.
P.O. Box 2071, Mail Code WI1-4030
Milwaukee, Wisconsin 53201-2071
MAP GROUP AND PARCEL NUMBER: 083-02-0 238.00

Davidson County DEEDTRS
Recvd: 07/12/02 15:56 2pgs
Fees:13.00 Taxes:266.97
20020712-0084337

TRUSTEE'S DEED

WHEREAS, a Deed of Trust was executed by Gary and wife, Carol Clouse to Linda S. Harris, Trustee, for the use and benefit of Franklin Mortgage Funding, Inc., on May 24, 1999 and recorded in **Book 11496, page 186** in the Register's Office of Davidson County, Tennessee conveying the hereinafter described real property in trust to secure payment of a promissory note, and said Deed of Trust was assigned to Banc One Financial Services, Inc. in **Book 11758, page 282** in the aforesaid Register's Office, and

WHEREAS, under the terms of said Deed of Trust, Stuart E. Duncan was appointed substitute trustee on May 15, 2002, which instrument is of record as **Instrument No. 200205230062656** in the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in payment of installments maturing on the above described promissory note and in performance of the covenants contained in the Deed of Trust by reason of which the entire balance owing thereon was declared due and payable, the default being made in payment thereof, and such default continuing; and

WHEREAS, by virtue of the power and authority vested in him as substitute trustee, the said Stuart E. Duncan, at the request of the owner of said note, and for the purpose of effecting payment in satisfaction thereof, principal and interest, attorney's fees and costs of sale, pursuant to the advertisement published in *The Nashville Record*, a newspaper published and of general circulation in Davidson County, Tennessee, in its issues of June 13, 2002, June 20, 2002 and June 27, 2002, offered for sale and sold on July 9, 2002 at 10:00 a.m., at public outcry to the highest and best bidder for cash at the courthouse in the City of Nashville, Davidson County, Tennessee, in bar of the equities of redemption, dower and homestead, the hereinafter described real estate, at which sale, Banc One Financial Services, Inc., being the highest and best bidder, and for the sum of **SEVENTY TWO THOUSAND ONE HUNDRED FIFTY FIVE AND 00/100 DOLLARS ($72,155.00)** became the purchaser thereof.

NOW THEREFORE, Stuart E. Duncan, substitute trustee, exercising the power and authority vested in him, and in bar of the equities of redemption, dower and homestead, does hereby sell, transfer and convey unto Banc One Financial Services Inc. the following described property located at **1521 McKenzie Avenue, Nashville, Tennessee** and more particularly described as follows:

Land in Davidson County Tennessee, being Lot No. 1 on the Plan of Clark Heights, Section 1, as of record in Book 2854, page 37, said Register's Office.

Said Lot No. 1 fronts 50 feet on the notherly side of McKenzie and runs back 154.6 feet on the westerly line and 154.4 feet on the easterly line to an alley in the rear, measuring 50 feet thereon.

Being the same property conveyed to David E. Clemmons and wife Mary F. Clemmons by deed from Hugh J. Taylor, Jr. and wife, Mary Ann Taylor of record in Book 5356, Page 879, Register's Office for Davidson County, Tennessee.

THIS CONVEYANCE is made subject to any unpaid mortgages or liens, zoning regulations, building restrictions and setback lines, restrictive covenants, if any, and easements and rights for public utilities applicable to this property, and real estate taxes which may be outstanding and due as of date of sale.

TO HAVE AND TO HOLD the said described real estate unto Banc One Financial Services, Inc. its successors and assigns forever in fee simple.

IN WITNESS WHEREOF, Stuart E. Duncan, substitute trustee, has caused this instrument to be executed on this the 9th day of July 2002.

STUART E. DUNCAN
Substitute Trustee for Banc One Financial Services Inc.

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Personally appeared before me, notary public of said county, STUART E. DUNCAN, Substitute Trustee for Bank One, N.A., 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 as Substitute Trustee for Banc One Financial Services, Inc.

Witness my hand, at office, this the 9th day of July 2002.

Notary Public

My Commission Expires: Sept. 10, 2005

I swear that the actual consideration for this transfer or value of the property transferred, whichever is greater, is **$72,155.00** which amount is equal to or greater than the amount which the property transferred would commend at a fair and voluntary sale.

Affiant

Sworn to and subscribed before me this 9th day of July 2002.

Notary Public

My commission expires: Sept. 10, 2005