41
CCB

Davidson County DEEDTRS
Recvd: 07/23/02 14:28 2pgs
Fees:13.00 Taxes:3330.00
20020723-0088497

THIS INSTRUMENT PREPARED BY:
CHERNAU, CHAFFIN AND BURNSED, PLLC
SunTrust Center, Suite 1750
424 Church Street
Nashville, Tennessee 37219

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL:
SouthTrust Bank 230 4th Avenue North Nashville, TN 37201	SAME	134-12/7.00 and 9.00

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, on the 1st day of March, 1999, Five H, L.L.C., a Tennessee limited liability company ("Borrower"), executed a Deed of Trust and Security Agreement and conveyed the real property described below to George R. Archer, Jr., Trustee, for the benefit of SouthTrust Bank, an Alabama banking corporation, formerly SouthTrust Bank, National Association (hereinafter may be referred to as "SouthTrust Bank" or "the Bank"), with the power of sale, to secure payment of a Promissory Note in the original principal amount of $1,330,000.00 made to the order of SouthTrust Bank, which Deed of Trust is of record in Book 11377, page 199, Register's Office for Davidson County, Tennessee, to which reference is hereby made (the "Deed of Trust"), and to secure payment of indebtedness then existing or to arise thereafter; and

WHEREAS, SouthTrust Bank, the beneficiary of the above note and Deed of Trust, did appoint R. Garry Chaffin as Substitute Trustee, by instrument of record at Instrument Number 20020109-0003445, Register's Office for Davidson County, Tennessee; and

WHEREAS, there has occurred one or more acts of default in the note evidencing the indebtedness owed to Lender;

WHEREAS, Lender notified the Trustee of the defaults, including Borrower's failure to make the payments called for in the note secured by the above Deed of Trust, and demanded that the Trustee advertise the subject property for sale pursuant to the terms and conditions of the said Deed of Trust;

WHEREAS, the Substitute Trustee did advertise the property for sale in the "Nashville Record" on June 27, July 4, and 11, 2002, in accordance with and in fulfillment of the requirements of the above Deed of Trust;

WHEREAS, the Trustee and/or his agent, in accordance with the requirements of the above Deed of Trust and the published advertisement for sale of the subject property, did on the 19th day of July, 2002, appear and conduct the sale of the herein described property;

WHEREAS, SouthTrust Bank did place the highest bid for the subject property, being the sum of $900,000.00;

NOW THEREFORE, for and in consideration of the sum of $900,000.00, the Substitute Trustee and/or his agent has bargained and sold, and by these present, does transfer and convey unto the said SouthTrust Bank, the Grantee herein, its successors and assigns, the property described as follows:

Land in Davidson County, Tennessee, being Lot Nos. 1 and 2, on the Plan of Reeds Subdivision, as shown on plat of record in Plat Book 7900, page 680, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.

Being the same property conveyed to Five H., L.L.C., a Tennessee limited liability company, by Deed of record in Book 11377, page 195, Register's Office for Davidson County, Tennessee.

The Substitute Trustee makes no personal warranties or representations concerning the subject property. The property is sold as is. This conveyance is subject to any prior matters of record including, but not limited to unpaid property taxes.

To have and to hold the said tract or parcel of land, including all appurtenances, estate, title and interest thereto belonging, unto the said Grantee, its successors and/or assigns, forever.

Whenever used, the singular number or pronoun shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS, my hand this 19th day of July, 2002.

R. Garry Chaffin, 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 R. Garry Chaffin, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged himself to be the Trustee under the above referenced Deed of Trust, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 19th day of July, 2002.

Notary Public

STACIA L. SMITH NOTARY PUBLIC AT LARGE DAVIDSON COUNTY

My Commission Expires: Oct. 25, 2003

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property (whichever is greater) is $900,000.00. This is equal to or greater than the property would bring at a fair and voluntary sale.

R. Garry Chaffin, Trustee

Sworn to and subscribed before me this _____ day of July, 2002.

Notary Public

STACIA L. SMITH NOTARY PUBLIC AT LARGE DAVIDSON COUNTY

My Commission Expires: Oct. 25, 2003