This Instrument Prepared by:
Wilson & Associates, P.L.L.C.
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Davidson County AFFIDAVIT
Recvd: 10/17/02 16:08 2pgs
Fees:12.00 Taxes:0.00
20021017-0127968

AFFIDAVIT TO RESCIND TRUSTEE'S SALE AND SUBSTITUTE TRUSTEE'S DEED

STATE OF PA
COUNTY OF Montgomery

BEFORE ME, the undersigned authority, on this day personally appeared Madeline Rapp who acknowledged himself/herself to be the Vice Control Officer of Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1997-3, Agreement dated 06-01-97, who after being duly sworn, deposed and stated:

THAT default occurred in the performance of the covenants, terms, and conditions of a Deed of Trust Note dated January 29, 1997, and the Deed of Trust of even date securing the same, at Book 10340, Page 564 in the real estate records of Davidson County, Tennessee, executed by Evelyn Finch and conveyed to Bridgehouse Title Company as Trustee for Emergent Mortgage Corporation.

THAT the current holder of the indebtedness by said Deed of Trust, Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1997-3, offered the subject property for sale to the highest bidder on June 26, 2002, at the Davidson County Courthouse in Nashville, Tennessee, to wit:

> Land in Davidson County, Tennessee, being Lot Number 49 on the Map of S.A. Champion's Subdivision, as of record in Book 161, Page 132, Register's Office for said county. Said Lot Number 49 fronts 50 feet on the Southerly side Osage Street and runs back between parallel lines, 150 feet to an alley. Being the same property conveyed to J.B. Finch and wife, Iona Finch by deed from Dr. A. P. Johnson, Sr. and wife, Sadie Johnson of record in Book 4443, Page 121 and Book 4488, Page 653, Register's Office for Davidson County, Tennessee. The said J. B. Finch having predeceased Iona Finch, said property vested in Iona Finch as the surviving tenant by the entirety. The said Iona Finch having since died and by her Last Will and Testament of record in Book 9880, Page 103, said Register's Office, subject property vested in Evelyn Finch.
>
> Commonly known as: 2105 Osage Street, Nashville, Tennessee 37208.

THAT at such time, an agent of the Successor-Trustee struck off and sold the subject property to Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1997-3, Agreement dated 06-01-97, for the sum of $44,743.76, that being the highest and best bid offered.

THAT, by Trustee's Deed duly recorded in the real estate records of Davidson County, Tennessee on July 11, 2002 as Document No. 20020711-0083468, the subject real property was conveyed to Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1997-3, Agreement dated 06-01-97 for the sum of $44,743.76 pursuant to the Tennessee Statutory Foreclosure Act.

THAT subsequent to said sale, sufficient conditions arose to warrant the rescission of the sale and restoration of the subject property to its former state.

THAT the Note and Deed of Trust are hereby ratified and reformed to their former status.

Ln# 2043220207

THAT Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1997-3, Agreement dated 06-01-97, thus hereby rescinds the foreclosure sale and Trustee's Deed.

FURTHER, Affiant sayeth not.

MANUFACTURERS & TRADERS TRUST COMPANY, ONE M & T PLAZA, BUFFALO, NY 14203-2399, TRUSTEE FOR SECURITIZATION SERIES 1997-3, AGREEMENT DATED 06-01-97

By: Madeline Ramos

Madeline Ramos
Document Control Officer

ACKNOWLEDGEMENT

STATE OF PA
COUNTY OF Montgomery

On this 10 day of October, 2002 before me, a Notary Public within and for the county and state aforesaid, personally appeared Madeline Ramos who stated that he/she was the Dr. Control Officer of Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1997-3, Agreement dated 06-01-97, and whose name is subscribed to the foregoing instrument, and who acknowledges that the contents of said Affidavit were true and correct and that the Affidavit was executed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

NIKOLE SHELTON COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

My Commission Expires:

NOTARIAL SEAL
NIKOLE SHELTON, Notary Public
Hatboro Boro, Montgomery County
My Commission Expires May 1, 2006

W&A No. 845-201045