Davidson County DEEDTRS
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Fees:23.00 Taxes:432.90
20021217-0155022

THIS INSTRUMENT PREPARED BY WAGNER, NELSON & WEEKS
1418 FIRST TENNESSEE BANK BUILDING, CHATTANOOGA, TN

GRANTEE'S ADDRESS:	SEND TAX BILLS TO:	MAP PARCEL NO.:
Centex Home Equity Company, LLC 1750 Viceroy Dallas, TX 75235	SAME	173-01-0-149.00

TRUSTEE'S DEED

WHEREAS, on the 21st day of January, 1998, **HORACE L. SMITH and wife, AGNES E. SMITH,** executed a Deed of Trust, same being filed for record January 30, 1998, recorded in Book 10776, Pages 101 et seq., in the Register's Office of Davidson County, Tennessee, to which reference is hereby made for a full recital of its provisions, the real estate hereinafter described for the purpose of securing an indebtedness mentioned in said Deed of Trust; and,

WHEREAS, said Deed of Trust provided that should the said **HORACE L. SMITH and wife, AGNES E. SMITH**, fail to pay said indebtedness or any part thereof at the time same should be come due, or should fail to perform any of the covenants in the Note or Deed of Trust, that the Trustee thereunder was empowered for Thirty (30) days for four (4) weekly notices giving notice of the time, terms, and place of sale in some newspaper in the County wherein the property was located, and to sell the same in front of the Courthouse door in the County where the property was located, being Davidson County, Tennessee, and said sale was advertised to be held at the Courthouse in Nashville, Davidson County, Tennessee, to the highest and best bidder for cash in hand and at public outcry in bar of the equities of redemption, dower and homestead, and to apply the proceeds of such sale first to pay the expenses of executing this trust, and any and all sums the beneficiary or Trustee may have expended or become liable for under the provisions of said instrument, with interest thereon, second to discharging the Note representing the said indebtedness and interest thereon, or any balance thereon in full, and the balance, if any, he

will hold subject to the orders of the said **HORACE L. SMITH and wife, AGNES E. SMITH**, and any subsequent lien holders; and,

WHEREAS, it was the duty of the Trustee to execute to the purchaser all necessary title papers, and place said purchaser in the quiet and peaceful possession of said premises; and,

WHEREAS, according to the provisions of said Deed of Trust, David E. Nelson, Jr., was appointed Substitute Trustee by instrument recorded as Instrument #20020910-0109481, in the Register's Office of Davidson County, Tennessee and,

WHEREAS, default was made in the payment of principal and interest as the same became due, and said default continuing, and the holder of said indebtedness declared same in its entirety, principal and interest, due and unpaid; and,

WHEREAS, the holder of said Note requested the Substitute Trustee to advertise the sale of the real estate hereinafter described, as provided by said Deed of Trust; and,

WHEREAS, at the request of the true and lawful owner and holder of the Note representing said indebtedness, after advertising said property hereinafter described for sale once a week for four (4) weeks, giving notice of the time, place, and terms of sale in the Nashville Record Newspaper, a newspaper published in Davidson County, Tennessee, the undersigned, as Substitute Trustee, did appear on Friday, December 6, 2002, on the Davidson County Courthouse steps within the legal hours, and offer for sale in front of the Courthouse in Davidson County, Nashville, Tennessee, at public outcry, to the highest and best bidder for cash, in bar of the equities of redemption, dower and homestead the real estate hereinafter described; and,

WHEREAS, **CENTEX HOME EQUITY COMPANY, LLC** , was the

highest and best bidder at public outcry at said sale for said real estate hereinafter described in accordance with the terms of said Deed of Trust, under which same was sold, and the same was knocked down and sold to **CENTEX HOME EQUITY COMPANY, LLC** for the price of One Hundred Seventeen Thousand Dollars ($117,000.00), and in consideration of the premises and of said sum of One Hundred Seventeen Thousand Dollars ($117,000.00), David E. Nelson, Jr., Substitute Trustee, under the recitals of said Deed of Trust, does hereby sell, transfer and convey unto **CENTEX HOME EQUITY COMPANY, LLC.**, the following described real estate situated in the State Tennessee, Davidson County:

> Land in Davidson County, Tennessee being Lot No. 30 on the Plan of Monte Carlo Section 28 as of record in Book 5050, page 99, Register's Office for Davidson County, Tennessee to which plan reference is hereby made for a more complete and accurate legal description.
>
> Being the same property conveyed to Horace L. Smith and wife Agnes E. Smith by Deed from Jay F. Pizzino and wife, Doreen L. Pizzino, dated 03/07/85, recorded 03/12/85 in Book 6508, page 622, Register's Office for Davidson County, Tennessee.
>
> No survey made, same legal description as in prior title.
>
> Property Address is known as 464 Carl Miller Drive, Antioch, Tennessee 37013.

TO HAVE AND TO HOLD the same unto the said **CENTEX HOME EQUITY COMPANY, LLC**, its successors and assigns forever in fee simple, David E. Nelson, Jr., as Substitute Trustee, transfers to **CENTEX HOME EQUITY COMPANY, LLC**, all covenants of warranty and seizin made to him as Substitute Trustee in the Deed of Trust and Appointment of Substitute Trustee agreement, above recited, but makes this conveyance as Substitute Trustee under the recitals of said instruments and not otherwise.

WITNESS my hand this 6th day of December, 2002.

David E. Nelson, Trustee

SUBSTITUTE TRUSTEE

STATE OF TENNESSEE

COUNTY OF HAMILTON

On this 6th day of December, 2002, before me personally appeared David E. Nelson, Jr., Substitute Trustee, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he, as such Substitute Trustee, executed the same as his free act and deed for the purposes therein contained.

WITNESS my hand and Notarial Seal at Chattanooga, Tennessee.

NOTARY PUBLIC

My commission expires: 02/18/03

STATE OF TENNESSEE
COUNTY OF HAMILTON

I, hereby offering this instrument for recording within the meaning of the Statutes of the State of Tennessee, under Tennessee Code Annotated, Section 67-4102, Item (s), hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $**117,000.00**, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

David E. Nelson, Jr. Atty
AFFIANT

Sworn to and subscribed before me
this 6th day of December, 2002.

NOTARY PUBLIC
My commission expires: 02/18/03