PICK-UP

Davidson County DEEDTRS
Recvd: 05/14/03 09:42 6pgs
Fees:33.00 Taxes:2220.00
20030514-0065171

SUCCESSOR TRUSTEE'S DEED

Address New Owner(s):	Send Tax Bills to:	Tax Map & Parcel No.:
Bank of the West ATTN: Gail Wilson 1651 Response Road Sacramento, CA 95815	Same	13500010200

THIS INDENTURE is made and effective on this 13th day of May, 2003 by and between DARRELL L. WEST, SUCCESSOR TRUSTEE ("Successor Trustee") and BANK OF THE WEST, a California banking corporation ("Buyer").

W I T N E S S E T H:

WHEREAS, on the 23rd day of April, 1999, by Construction Deed of Trust of record in Book 11447, page 5, in the Register's Office for Davidson County, Tennessee (the "Deed of Trust"), Four J Family Limited Partnership conveyed to Richard Manson, Trustee, the hereinafter described real property to secure the payment of certain Indebtedness (as defined and described in said Deed of Trust), including but not limited to a certain promissory note due and payable to General Electric Capital Corporation (defined as "Note") in said Deed of Trust; and

WHEREAS, the Deed of Trust was assigned by the said General Electric Capital Corporation to Bank of the West, a California banking corporation, by instrument of record as Instrument No. 20010227-0018090, said Register's Office, and the said Bank of the West is now the holder and owner of the entire Indebtedness described in and secured by the Deed of Trust,

WHEREAS, Bank of the West appointed the undersigned, Darrell L. West, to serve as Successor Trustee in the place and stead of Richard Manson under said Deed of Trust, pursuant to an Appointment of Successor Trustee dated March 27, 2003, and recorded on March 31, 2003 as Instrument Number 20030331-0042195, Register's Office for Davidson County, Tennessee; and

WHEREAS, default was made in the payment in the Indebtedness described in and secured by said Deed of Trust, and the Indebtedness is now past due, the entire balance of

which having been declared due and payable in accordance with the terms of said Note and Trust Deed, and Bank of the West, the owner and holder of said Indebtedness, directed the undersigned Successor Trustee to foreclose said Deed of Trust and sell the property described therein in accordance with the terms thereof; and

WHEREAS, the undersigned Successor Trustee advertised said property for sale in accordance with the Deed of Trust, by causing a Successor Trustee's Notice of Foreclosure Sale to be published in the *Nashville Record* for three (3) consecutive weeks, which notice stated that the hereinafter described real property would be offered for sale at 1721-1723 Old Murfreesboro Pike, Nashville, Tennessee on May 8, 2003 at 12:00 Noon; and

WHEREAS, pursuant to and in accordance with the Successor Trustee's Notice of Foreclosure Sale, the undersigned personally appeared at 1721-1723 Old Murfreesboro Pike, Nashville, Tennessee on May 8, 2003 at 12:00 Noon, and caused the hereinafter described real property to be sold at public auction, and the last, highest and best bid received was a bid from the Buyer, and the hereinafter described real property was thereupon sold to Buyer;

NOW THEREFORE, in consideration of the premises and the sum of $10.00 cash in hand paid by Buyer, and other good and valuable consideration, the Successor Trustee has this day bargained and sold, and does hereby transfer and convey unto Buyer, its successors and assigns, the following described tracts or parcels of real property located in Davidson County, Tennessee:

TRACT I:

Land located in the 28th Councilmanic District of Nashville, Davidson County, Tennessee, being part of Parcel 102 (and formerly being Parcel 104) on County Property Map 135, and being more particularly described according to a boundary survey prepared by Wamble & Associates, PLLC dated December 17, 1998, as follows:

Beginning at iron rod (new) on the northerly right-of-way line of Murfreesboro Pike (US 70 South /41), said rod being at the intersection of said northerly right-of-way line and the southeasterly right-of-way line of Town Park Drive; thence, following said southeasterly right-of-way line north 31 degrees 28 minutes 16 seconds east 62.35 feet to an iron rod (new) on the southerly right-of-way line of Old Murfreesboro Pike; thence, following said southerly right-of-way line south 72 degrees 21 minutes 54 seconds East 357.77 feet to a point, said point being on the westerly line of a tract of land conveyed to Millard Gotto and Clare E. Gotto, wife, as of record in Deed Book 4766, page 401 in the Register's Office for Davidson County, Tennessee;

thence, following the westerly line of said Gotto Property south 03 degrees 32 minutes 29 seconds west 150.45 feet to a point on northerly right-of-way line of Murfreesboro Pike; thence, following said northerly right-of-way line north 58 degrees 31 minutes 48 seconds west 17.87 feet to iron rod (new), thence, south 31 degrees 28 minutes 16 seconds west 15.00 feet to an iron rod (new); thence, north 58 degrees31 minutes 48 seconds west 400.00 feet to the point of beginning.
Containing 42,001.86 square feet or 0.96 acres.

Excepting therefrom, all that portion thereof, which may lie within the bounds of that tract of land conveyed to the State of Tennessee, in fee simple, by deed recorded in Book 8626, page 713, said Register's Office.

Being the same property conveyed to J. R. Fraley and wife, Josefina Fraley by deed from Dorothy McLaughlin Ford and James Patrick Harrigan and Stephen F. Harrigan of record in Book 11446, page 987, said Register's Office.

TRACT II:

Land located in the 28th Councilmanic District of Nashville, Davidson County, Tennessee, being part of Parcel 102 (and formerly being a separate parcel 102) on County Property Map 135, and being more particularly described according to a boundary survey prepared by Wamble & Associates, PLLC dated December 17, 1998, as follows:

Beginning at an iron rod (old) on the southerly right-of-way line of Old Murfreesboro Pike said rod being south 72 degrees 21 minutes 54 seconds East 508.55 feet from the intersection of said southerly right-of-way line and the southeasterly right-of-way line of Town Park Drive, said rod also being a point on the easterly line of property conveyed to Millard Gotto and Clara E. Gotto, wife, as of record in Deed Book 4766, page 401 in the Register's Office for Davidson County, Tennessee; thence following said southerly right-of-way line south 72 degrees 21 minutes 54 seconds east 319.63 feet to an iron rod (old), being a point on the westerly line of property conveyed to E. Wayne Wilkerson, et al as of record in Deed Book 8517, page 942 in the Register's Office for Davidson County, Tennessee; thence, following the westerly line at said Wilkerson Property south 01 degrees 43 minutes 12 seconds east 245.46 feet to an iron rod (old) on the northerly right-of-way line of Murfreesboro Pike (US 70 South/41); thence following said northerly right-of-way line north 58 degrees 31 minutes 48 seconds west 161.78 feet to an iron rod (new); thence, south 70 degrees 10 minutes 40 seconds west 51.26 feet to an iron rod (new); thence, north 58 degrees 31 minutes 48 seconds west 155.84 feet to an iron rod (old), being a point on the easterly line of the aforementioned Gotto Property; thence, following the east line of said Gotto Property north 02 degrees 06 minutes 46 seconds east 193.88 feet to the point of beginning.

Containing 68,338.09 square feet or 1.57 acres.

Excepting therefrom, all that portion thereof which lies within the bounds of that tract of land conveyed in fee simple to the State of Tennessee by deed recorded in Book 8564, page 314, said Register's Office.

Being the same property conveyed to J. R. Fraley and wife, Josefina Fraley by deed from Nell A. Barnes and husband, Dorris D. Barnes of record in Book 11446, page 991, said Register's Office.

TRACT III:

Land located in the 28th Councilmanic District of Nashville, Davidson County, Tennessee, being part of Parcel 102 (and formerly being Parcel 103) on County Property Map 135, and being more particularly described according to a boundary survey prepared by Wamble & Associates, PLLC dated December 17, 1998, as follows:

Beginning at a point on the southern right-of-way line of Old Murfreesboro Pike said point being south 72 degrees 21 minutes 54 seconds east 357.77 feet from the intersection of said southerly right-of-way line and the southeasterly right-of-way line of Town Park Drive, said point also being the northeast corner of a portion of the land inherited by Dorothy McLaughlin Ford, James Patrick Harrigan and Steven F. Harrigan, as of record in Deed Book 6876, page 611 in the Register's Office for Davidson County, Tennessee; thence, following said southerly right-of-way line south 72 degrees 21 minutes 54 seconds east 150.78 feet to an iron rod (old), being the northwest corner of property conveyed to Nell A. Barnes, as of record in Deed Book 9590, page 356 in the Register's Office for Davidson County, Tennessee; thence following the westerly line of said Barnes Property south 02 degrees 06 minutes 46 seconds west 193.86 feet to an iron rod (Old) being on the northerly right-of-way line of Murfreesboro Pike (US 70 South/41) said rod also being the southwest corner of said Barnes Property; thence, following said northerly right-of-way line north 58 degrees 31 minutes 48 seconds west 170.99 feet to a point, said point being the southeast corner of the aforementioned Dorothy McLaughlin Ford, et al property; thence, following the easterly line of said Ford et al Property north 03 degrees 32 minutes 29 seconds east 150.45 feet to the point of beginning.

Containing 25,448.40 square feet or 0.58 acres.

Being the same property conveyed to J. R. Fraley and wife, Josefina Fraley by deed from James Melvin Gotto, unmarried, of record in Book 11446, page 995, said Register's Office.

The said Tract I, Tract II and Tract III were further conveyed to Four J Family Limited Partnership by Quitclaim Deed from J. R. Fraley and wife, Josefina Fraley of record in Book 11447, page 1, said Register's Office.

TO HAVE AND TO HOLD said property to Buyer, its successors and assigns, forever, and in bar of homestead, dower, equity of redemption, and the statutory right of redemption, all of which were expressly waived in the Deed of Trust. This conveyance is made subject to any and all liens or other matters which may have priority over the Deed of Trust, to any and all taxes that may be a lien against said real property, to all zoning, planning and other governmental requirements applicable to said real property, and to all easements, restriction, set-back lines or other matters of record; without limited the generality of the foregoing, this conveyance is expressly made subject to the following: (1) real property taxes assessed for the year 2002 and 2003; (2) easements, for construction of slopes and a working

area, and for incidental purposes, as set forth in a deed of record in Book 8626, page 713, Register's Office for Davidson County, Tennessee; (3) lack of direct access to and from adjacent controlled access highway; and (4) facts which would be disclosed by a comprehensive survey of the real property described herein.

AND, the undersigned Successor Trustee does further covenant and bind himself as Successor Trustee, and his successors and assigns, to warrant and forever defend the title to said real property against the lawful claims of all persons claiming by, through or under the undersigned as Successor Trustee, but no further or otherwise, it being the intention of the undersigned to convey to Buyer only such title as he received in said real property as Successor Trustee under the Deed of Trust.

IN WITNESS WHEREOF, the Successor Trustee has hereunto set his hand and signature this 13th day of May, 2003.

Darrell L. West, Successor Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, a Notary Public of the state and county aforesaid, the within named Darrell L. West, Successor Trustee, 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.

Witness my hand and seal, at office, in Nashville, Tennessee this 13th day of May, 2003.

Notary Public
My Commission Expires: My Commission Expires MAY 23, 2003

SANDRA D. VENABLE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENNESSEE

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer, or value of the property conveyed, whichever is greater, is $ 600,000.00.

Affiant

Sworn to and subscribed before me this 15th day of May, 2003.

Notary Public

My Commission Expires: My Commission Expires April 28, 2003

SANDRA B. KENABLE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

This instrument was prepared by:
Darrell L. West
144 Second Avenue, North, Suite 300
Nashville, Tennessee 37201