PREPARED BY:
Stuart E. Duncan
Duncan, Mosley & Hatcher
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: 58-15-65.00

Davidson County DEEDTRS
Recvd: 06/04/03 19:22 2pgs
Fees:13.00 Taxes:279.28
20030604-0077238

TRUSTEE'S DEED

WHEREAS, a Deed of Trust was executed by Robert Davis, Jr, to Michael I. Mossman, Trustee, for the use and benefit of Bank One, N.A. on October 20, 2000 and recorded in **Instrument No. 20001026-0106065** 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, and

WHEREAS, under the terms of said Deed of Trust, Stuart E. Duncan was appointed substitute trustee on February 28, 2003, which is of record as **Instrument No. 20030311-0031568** 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 May 8, 2003, May 15, 2003 and May 22, 2003, offered for sale and sold on May 30, 2003 at 10:00 a.m., at public outcry to the highest and best bidder for cash at the old Ben West Library 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, Bank One, N.A, being the highest and best bidder, and for the sum of **SEVENTY FIVE THOUSAND FOUR HUNDRED EIGHTY TWO AND 00/100 DOLLARS ($75,482.00)** 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 Bank One, N.A., the following described property located at: **3712 Creekland Court, Nashville, Tennessee 37218** and more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 44 on the Plan of Creekwood North, as of record in Plat Book 4675, page 16, 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 Robert Davis, Jr., by deed from Frederick D. Thompson, of record in Book 9739, page 722, said Register's Office.

THIS CONVEYANCE is made subject to any and all prior unpaid mortgages and 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 Bank One, N.A., 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 2 day of June 2003.

STUART E. DUNCAN
Substitute Trustee for Bank One, N.A.

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Personally appeared before me, notary public of said county, STUART E. DUNCAN, Substitute Trustee for BanK One, 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 Bank One, N.A.

Witness my hand, at office, this the 2 day of June 2003.

Notary Public Lesley A. Curry 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 **$75,482.00** which amount is equal to or greater than the amount which the property transferred would commend at a fair and voluntary sale Stuart E. Duncan, agent
Affiant

Sworn to before me this the
2nd day of June, 2003.

Notary Public Lesley A. Curry My Commission Expires: Sept. 10, 2005