PICK-UP

This Instrument Prepared by and return to:
Arnold M. Weiss, Attorney at Law
208 Adams Avenue
Memphis, TN 38103

Davidson County AFFIDAVIT
Recvd: 08/06/03 13:16 2pgs
Fees:12.00 Taxes:0.00
20030806-0111883

AFFIDAVIT TO RESCIND FORECLOSURE SALE

Whereas, on April 6, 2000, Robert Jernigan executed a Deed of Trust to secure payment of a certain obligation in the amount of $51,100.00, said Deed of Trust having been placed of record in Instrument No. 200004270041800, Register's Office for Davidson County, Tennessee and

Whereas, a foreclosure sale was held on March 25, 2003, in accordance with the terms set forth in said Deed of Trust and a Trustee's Deed was executed and recorded on March 31, 2003 in Instrument No. 20030331-0041898, and

Whereas, the said Robert Jernigan filed a Chapter 7 Bankruptcy petition under case number 03-03663 on March 17, 2003 and neither the lender nor Trustee, nor AmSouth Bank, received notice of such filing prior to the sale and

Whereas, the Automatic Stay provisions of 11 USC 362(a) were in effect on the day of the sale, thereby voiding and vacating any and all actions taken by the Trustee,

Therefore, it is hereby acknowledged and declared by the undersigned Trustee that the above referenced sale is rescinded, voided and vacated and the Trustee's Deed is hereby held to be null and void, and the property in the legal description contained therein remains in the title of its previous owner

Further, Affiant Sayeth not this 29th day of July, 2003.

Trustee

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, the undersigned, a Notary Public, in and for said County, and State aforesaid, personally appeared Arnold M. Weiss, 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 official seal at Shelby Co, Tennessee this the 29th day of July, 2003.

Brenda Doyle
Notary Public

My Commission Expires:

BRENDA DOYLE NOTARY PUBLIC AT LARGE MY COMM. EXP. 11-14-04 SHELBY CO. TN