Davidson County DEEDTRS
Recvd: 08/12/03 08:09 2pgs
Fees:12.00 Taxes:0.00
20030812-0114778

This Instrument Prepared by:
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(501) 219-2388

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

STATE OF Kentucky
COUNTY OF Jefferson

BEFORE ME, the undersigned authority, on this day personally appeared Virgil F McCauley, who acknowledged himself/herself to be the Vice President of NationsBank of Tennessee N.A. a/k/a Bank of America N.A., 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 December 4, 1997 and recorded on December 29, 1997, and the Deed of Trust of even date securing the same, in Book 10736, Page 310 in the real estate records of Davidson County, Tennessee, executed by Brenda Russell, a/k/a Brenda Elaine Fowler and conveyed to Ron Suedekum, a resident of Williamson County, Tennessee, as Trustee for NationsBank of Tennessee, N.A.

THAT the current holder of the indebtedness by said Deed of Trust, NationsBank of Tennessee N.A. a/k/a Bank of America N.A,, offered the subject property for sale to the highest bidder on April 23, 2003, at the Davidson County Courthouse in Nashville, Tennessee, to wit:

> All that parcel of land in Davidson County, state of Tennessee, as more fully described in Deed Book 5753, Page 534, ID# 80-07-0-110, being known and designated as Lot 444, Bordeaux Hills, Section Nine, filed in Plat Book 4175, Page 116. By Fee Simple Deed from Shanette Fowler Raybon and William A. Raybon, wife and husband and via William L. Rosenburg, Trustee as set forth in Book 5753 Page 534 dated 06/04/1981 and recorded 06/04/1981, Davidson County records, state of Tennessee.
>
> Commonly known as: 3849 Buena Vista Pike, Nashville, TN 37218

THAT at such time, an agent of the Successor-Trustee struck off and sold the subject property to NationsBank of Tennessee N.A. a/k/a Bank of America N.A, for the sum of $76,500.00, 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 May 16, 2003 as Instrument No. 20030516-0067320, the subject real property was conveyed to NationsBank of Tennessee N.A. a/k/a Bank of America N.A. for the sum of $76,500.00 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.

THAT NationsBank of Tennessee N.A. a/k/a Bank of America N.A., thus hereby rescinds the foreclosure sale and Trustee's Deed.

FURTHER, Affiant sayeth not.

NATIONSBANK OF TENNESSEE N.A. A/K/A BANK OF AMERICA N.A.

By: _____

VIRGIL F. McCAULEY
VICE PRESIDENT

ACKNOWLEDGEMENT

STATE OF Kentucky
COUNTY OF Jefferson

On this 31 day of July, 2003 before me, a Notary Public within and for the county and state aforesaid, personally appeared Virgil F McCauley who stated that he/she was the Vice President of NationsBank of Tennessee N.A. a/k/a Bank of America N.A., 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

My Commission Expires:

_____

WENDY L. MOORE
Notary Public, State at Large, KY
My commission expries May 23, 2005

W&A No. 818-203011