PICK-UP

Davidson County DEEDTRS
Recvd: 03/30/04 10:37 3pgs
Fees:18.00 Taxes:14.80
20040330-0035416

1026 43RD AVENUE

This instrument prepared by:
Julian L. Bibb
STITES & HARBISON PLLC
424 Church Street, Suite 1800
Nashville, Tennessee 37219

Address New Owner(s) as Follows:	Send Tax Bills To:	Map and Parcel No.:
CB Investments, LLC 4525 Harding Road Suite 257 Nashville, Tennessee 37205	same	91-8-76

SUCCESSOR TRUSTEE'S DEED

This Successor Trustee's Deed is made and entered into on this the 30th day of March, 2004, by Julian L. Bibb, Successor Trustee ("Successor Trustee").

WHEREAS, by Deed of Trust dated the 31st day of January, 2002, of record as Instrument No. 20020207-0017047 Register's Office for Davidson County, Tennessee, which instrument was executed in connection with and supplemented that certain Master Form of Deed of Trust and Assignment of Rents of record in Book 8415, page 949, Register's Office for Davidson County, Tennessee (herein the Supplementary Construction Deed of Trust and the Master Form of Deed of Trust shall be referred to herein collectively as the "Deed of Trust"), Richland Builders of Tennessee, LLC, a Tennessee limited liability company (the "Grantor") conveyed to Michael Logan, Trustee, the Property (as hereinafter defined) to secure payment to SunTrust Bank, a Georgia state banking corporation (the "Lender") of a certain indebtedness described in the Deed of Trust (the "Indebtedness"); and

WHEREAS, the Indebtedness became overdue and unpaid, and other conditions of default occurred, by reason of which the Lender declared the Deed of Trust to be in default , and notice was given of such default in the manner required by the terms of the Deed of Trust, but following such notice the default was not cured; and

WHEREAS, Lender appointed Julian L. Bibb to serve as Successor Trustee in place of Michael Logan in accordance with the terms of the Deed of Trust by an instrument of record as Instrument No. 20040212-0016911, Register's Office of Davidson County, Tennessee; and

WHEREAS, Lender directed the Successor Trustee to sell the Property as provided in the Deed of Trust, and the Successor Trustee caused notice to be published in the Nashville Record that the Property would be sold at 11:00 a.m. on March 19, 2004, at the Cumberland Club in the Nashville City Center, 511 Union Street, Nashville, Tennessee (the "Foreclosure Notice"), such Foreclosure Notice appearing in said paper on February 19, 2004, February 26, 2004 and March 4, 2004; and

WHEREAS, the Successor Trustee further sent a copy of the Foreclosure Notice to Grantor, and following the appearance of the Foreclosure Notice in said newspaper the default was not cured; and

NOW, THEREFORE, I, Julian L. Bibb, Successor Trustee as aforesaid, in consideration of the premises and the sum of $4,000.00, to me in hand paid, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto CB Investments, LLC, its successors and assigns (the "Grantee") all of my right, title and interest in and to the following described real estate, together with any and all buildings, structures, minerals, royalties, gas rights, water, water rights, water stock, flowers, shrubs, crops, trees, timber and other emblements, tenements, hereditaments, easements and appurtenances, reversions and remainders, machinery, apparatus, equipment, fittings, fixtures, and articles of personal property of every kind and nature, now or hereafter located in, on or under the Premises or any part thereof and used or usable in connection with any present or future operation of the Premises, but no further

or otherwise, located in Davidson County, Tennessee (collectively, the "Property"), and more particularly described as follows, to wit:

> Land in Davidson County, Tennessee, being Lot No. 52 on the Map of L.H. Davis Subdivision of Lot No. 41 of the Clifton Plan of record on Book 57, page 41 of the Clifton Plan of record on Book 57, page 100, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 52 fronts 50 feet on the easterly side of 43rd Avenue North and runs back between parallel lines 150 feet to an alley.
>
> Being the same property conveyed to Richland Builders of Tennessee, LLC by deed from Gregg Poole of record as Instrument No. 20000920-0093577, Register's Office for Davidson County, Tennessee.

The street address of the Property is believed to be 1026 43rd Avenue, but such address is not part of the legal description of the Property. In the event of any discrepancy, the legal description herein shall control.

Grantee hereunder accepts title to the Property and all improvements thereon in an AS IS WHERE IS condition, and without representation or warranty from Successor Trustee and/or SunTrust Bank as to any matter whatsoever. Without limiting the foregoing, SUCCESSOR TRUSTEE DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ADDITIONALLY, SUCCESSOR TRUSTEE DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES AS TO THE ABSENCE OR PRESENCE ON OR UNDER THE PROPERTY OF HAZARDOUS SUBSTANCES AS DEFINED BY ANY ENVIRONMENTAL LAWS, INCLUDING WITHOUT LIMITATION THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT ("CERCLA") OR SIMILAR FEDERAL AND STATE LEGISLATION (COLLECTIVELY, THE "ENVIRONMENTAL LAWS"). Grantee accepts title to the Property subject to any problems arising in connection with the Property and/or the improvements located thereon, including without limitation problems arising out of or in connection with deterioration of any improvements thereon, violations of the Environmental Laws, and potential flood hazards. By accepting the Successor Trustee's Deed, Grantee agrees to indemnify and hold the Successor Trustee and SunTrust Bank harmless from any and all costs, expenses, and liability, including without limitation attorneys' fees, arising out of or in connection with any of the foregoing.

Said sale is subject to certain easements, restrictions, liens, taxes, etc., including, but not limited to the following to the extent applicable on the date hereof:

1. Any and all unpaid real and personalty taxes, plus penalty and interest, if any. Such taxes will not be pro-rated. Grantee assumes full liability for such taxes.

2. Any mechanics' and materialmen's liens, filed or unfiled, which take priority over the Deed of Trust upon which this foreclosure sale is had.

3. Title to that portion of the Property lying within the bounds of any roads, streets, or highways.

4. Such easements, building lines, recorded plans and restrictions as may be applicable.

5. Rights or claims of parties in possession.

6. Encroachments, overlaps, boundary line disputes or other matters which would be shown by an accurate survey or inspection of the Property.

7. Any and all deeds of trust and/or fixture filings which take priority over the Deed of Trust upon which this foreclosure sale is had.

8. Subject to the liens for any unpaid assessments and/or special assessments.

9. Metro taxes for 2004, a lien not yet due and payable; Metro taxes for 2003, $467.16, Due; (Map-Parcel No. 91-8-76, Field Book No. 12W-07030).

10. Metro taxes for 2002, $467.16, Due, plus penalty and interest; (Map-Parcel No. 91-8-76, Field Book No. 12W-07030).

11. Any and all other matters, including, without limitation, liens, easements, restrictions, claims, defects, encumbrances, adverse claims and other matters which take priority over the Deed of Trust under which the foreclosure was held.

12. Applicable zoning ordinances and regulations and applicable codes requirements.

WITNESS the signature of the Successor Trustee on this the day and date first above written.

Julian L. Bibb, Successor Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, Christina Dorsey Willow, a Notary Public of the State and County aforesaid, personally appeared Julian L. Bibb, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Successor Trustee, and that he as such Successor Trustee being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing his name as Successor Trustee.

Witness my hand and seal, at office in Nashville Tennessee, this 30th day of March, 2004.

Notary Public
My commission expires: May 28, 2006

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value whichever is greater, for this transfer is Four Thousand and no/100 Dollars ($4,000.00).

Affiant

Subscribed and sworn to before me this the 30th day of March, 2004.

Notary Public
My commission expires: May 28, 2006