PICK-UP

This Instrument Prepared by:
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Davidson County DEEDTRS
Recvd: 04/08/04 15:29 2pgs
Fees:12.00 Taxes:0.00
20040408-0040437

AFFIDAVIT TO RESCIND FORECLOSURE SALE AND TRUSTEE'S DEED

STATE OF Ohio
COUNTY OF [illegible]

BEFORE ME, the undersigned authority, on this day personally appeared Ralph Gerardi, who acknowledged himself/herself to be the VICE PRESIDENT of Chase Mortgage Company-West who after being duly sworn, deposed and stated:

THAT default occurred in the performance of the covenants, terms, and conditions of a Note and Deed of Trust dated June 25, 1997 and recorded on June 30, 1997 at Book 10510, Page 561 in the Register's Office of Davidson County, Tennessee, Eliseo Gonzalez, and Janis Pat Gonzalez conveyed to Kathryn L. Harris, as Trustee for Community Mortgage Corporation.

THAT holder of the debt secured has appointed the undersigned Rorbert M. Wilson, Jr. as Successor-Trustee by instrument of record recorded on August 31, 2000 as Instrument No. 200008310086436 in the Register's Office of Davidson County, Tennessee

THAT the current holder of the indebtedness secured by said Mortgage, Chase Mortgage Company-West, offered the subject property for sale to the highest bidder on April 16, 2003 at 10:00 a.m. at the Davidson County Courthouse in Nashville, Tennessee, to wit:

> Land in Davidson County, Tennessee, being Lot No. 44 on the Plan of Warner Park Valley, Section 1, as of record in Book 3600, pages 3, 4 and 5, and as amended in Book 3600, Pages 12, 13 and 14, Register's Office for Davidson County, Tennessee. Being the same property conveyed to Eliseo Gonzalez and wife, Janis Pat Gonzalez, by deed from Thomas J. Pugliano and wife, Barbara A. Pugliano as shown of record in Deed Book 10510, page 558, Register's Office for Davidson County, Tennessee.
>
> Commonly known as: 6205 Harding Road, Nashville, Tennessee 37205.

THAT at such time, an agent of Chase Mortgage Company-West struck off and sold to Chase Mortgage Company-West, at and for the sum of $194,934.59, that being the highest and best bid offered.

THAT by Trustee's Deed duly recorded in the Register's Office of Davidson County, Tennessee, on August 7, 2003, as Instrument Number 20030807-0112621, the subject real property was conveyed to Chase Mortgage Company-West 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 Chase Mortgage Company-West thus hereby rescinds the foreclosure sale and Trustee's Deed.

FURTHER, Affiant sayeth not.

Chase Mortgage Company-West

By: _____

Ralph Gerardi VICE PRESIDENT

ACKNOWLEDGEMENT

STATE OF Ohio
COUNTY OF _____

On this 16th day of March, 2004, before me, a Notary Public within and for the county and state aforesaid, personally appeared Ralph Gerardi, who stated that he/she was the VICE PRESIDENT of Chase Mortgage Company-West 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:

_____

Laura C. Koch
Notary Public-State of Ohio
My Commission Expires
March 24, 2007

W&A No. 700-200416