8044028390

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into this 7 day of ~~April~~ May, 2004, by and between, **U.S. Bank National Association f/k/a First Bank National Association Trust U/A dated 9-1-97 (EQCC Home Equity Loan Trust 1997-3), by Fairbanks Capital Corp., as Attorney-in-Fact,** party of the first part, and **Gary Duke, [redacted]married, 90% interest, and Kristi Duke, [redacted]married, 10% interest, as tenants in common, in accordance with the percentages set out herein,** party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars ($10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the party of the second part, the following described real estate, situated in the City of Nashville, County of Davidson, State of Tennessee, to wit :

Lot 36, PATTERSON'S SUBDIVISION OF MAPLE HILL, as shown on plat of record in Plat Book 332, Page 75, in the. Register's Office, Davidson County, Tennessee, to which plat reference is hereby made for a more particular description of said property

Property known as **509 McIver Street, Nashville, Tennessee, 37211**

Parcel No. 119-13-276.00

This being the same property conveyed to **U.S. Bank National Association f/k/a First Bank National Association, Trust U/A DTD 9/1/97 (EQCC Home Equity Loan Trust 1997-3),** by Substitute Trustee's Deed of record in Instrument Number 20031008-0149625, in the Register's Office of Davidson County, Tennessee.

THIS PROPERTY IS BEING SOLD "AS IS", WHERE IS", NO REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for 2004 Davidson County, Tennessee property taxes, not yet due and payable, and any Subdivision restrictions, covenants, dedications, and easements of Record; and that this is a Special Warranty Deed and is warranted by the Seller through and under it only; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN WITNESS WHEREOF, the party of the first part has caused this instrument to be executed by and through its duly authorized officers as of the day and year first above written.

Davidson County DEEDWARR
Recvd: 05/12/04 08:22 2pgs
Fees:13.00 Taxes:179.45
20040512-0054421

U.S. Bank National Association f/k/a First Ba[illegible] National Association Trust U/A dated 9-1-97 (EQCC [illegible] Equity Loan Trust 1997-3)

SEAL UTAH 1983

[illegible] Fairbanks Capital Corporation, as Attorney-in-Fact

STATE OF Utah
COUNTY OF Salt Lake)

DAVID FRANCIS, DOC. CONTROL OFFICER

Personally appeared before me a Notary Public, _____ with whom I am personally acquainted , and who acknowledged that such person executed the within instrument for the purpose therein contained, and who further acknowledged that such person is the _____ of Fairbanks Capital Corp., as Attorney-in-Fact or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS my hand an Official Seal this 7 day of ~~April~~ May, 2004.

Notary Public
EMMA SHANER
3615 South West Temple
Salt Lake City, Utah 84115
My Commission Expires
April 22, 2007
State of Utah

Emma Shaner
NOTARY PUBLIC

My Commission Expires:

STATE OF)
COUNTY OF)

I hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $48,500.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

AFFIANT

Subscribed and sworn to before me this the 5th day of ~~April~~ May 2004.

NOTARY PUBLIC

My commission expires:

TATUM PARNELL NOTARY PUBLIC AT LARGE SHELBY COUNTY, TN My Commission Expires Feb 28, 2008

Property Address:
509 McIver Street
Nashville, TN 37211

New Owner and Mail Tax Bills to:
Gary Duke and Kristi Duke
c/o Kristi Duke
1216 Waxwing Circle
Kingston Springs, TN 37082

This Instrument prepared by:
CRISLIP, PHILIP & ASSOCIATES
4515 poplar Ave., Ste. 322
Memphis, TN 38117
(901) 525-2427