PICK-UP

Davidson County DEEDTRS
Recvd: 05/19/04 09:07 2pgs
Fees:13.00 Taxes:263.63
20040519-0058602

THIS INSTRUMENT PREPARED BY & RETURN TO:
Joel A. Freedman, Attorney
Priority Trustee Services of TN, L.L.C.
3300 N.E. Expressway, Building 8
ATLANTA, GA 30341

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated November 11, 1999, and recorded in the Register's Office of Davidson County, Tennessee, at Instrument 199912100302047, ("Deed of Trust"), Gary Kline and Jerry Ann Kline conveyed to Eric Medvid, as Trustee, the hereinafter described property for the purpose of securing payment of the indebtedness and performance of the obligations therein mentioned and set forth; and

WHEREAS, the beneficial interest of said Deed of Trust was last transferred and assigned to Key Bank, USA, N.A.; and

WHEREAS, **Key Bank, USA, N.A.,** being the owner and holder of the debt secured, appointed the undersigned as Substitute Trustee by instrument of record at **Instrument No. 200310170153960** in the Register's Office of Davidson County, Tennessee; and

WHEREAS, default has been made in the payment of said indebtedness and the performance of said obligations thereby secured to be paid and performed, and the holder of said Deed of Trust requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, the property was advertised for sale in conformity with the laws of Tennessee and the terms and provisions of said Deed of Trust on 10/16/2003, 10/23/2003, 10/30/2003, in THE NASHVILLE RECORD, by which advertisement the sale was held on November 13, 2003, at the At the corner of Fifth and Broadway at the Main Entrance to the Gaylord Entertainment Center in Nashville, Davidson County, Tennessee, in bar of the equities of redemption, dower, and homestead; and

WHEREAS, at the time and place mentioned in said advertisement, Higgins, Himmelberg & Piliponis, P.L.L.C., the undersigned's agent, offered said property for sale at public outcry to the highest and best bidder for cash, at which sale **Anthony Cherry and James Higgins**, being the highest, best and last bidder, became the purchaser of said property at and for the sum of **$ 71,251.00**; and

WHEREAS, **Anthony Cherry and James Higgins** has/have complied with the terms of sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance of the purchase price being credited on the indebtedness secured by said Deed of Trust;

NOW, THEREFORE, in consideration of the premises and of the payment by **Anthony Cherry and James Higgins** as aforesaid, of the said sum of money, receipt of which payment is hereby acknowledged, the undersigned **Priority Trustee Services of TN, L.L.C.**, as Substitute Trustee, does hereby grant, bargain, sell and convey unto **Anthony Cherry and James Higgins**, his/her/their successors and assigns, in fee simple forever, the following described real property situated in the County of Davidson, State of Tennessee:

Being lot no. 25, Durrett Drive on the plan of Whispering Hills Subdivision, of record in plat book 2331, page 82, Register's Office for Davidson County, Tenessee, to which plat reference is hereby made for a more complete description. Being the same property conveyed to Gary E. Kline and wife, Jerryann C. Kline, by warranty deed from John C. Pulk and wife, Mary Marie Jo Pulk and Edward Victor Pulk and Steven Jack Pulk, dated July 5, 1996. and recorded July 16, 1996 in book 10122, apge 376, Register's Office for Davidson County, Tennessee. The last recorded Warranty Deed was filed of record at Instrument No. 10122 in the Register's Office of Davidson County, Tennessee.

TO HAVE AND TO HOLD the property described above, together with the privileges, appurtenances, and hereditaments thereunto belonging or in any way appertaining unto forever, to **Anthony Cherry and James Higgins**, his/her/their successors and assigns, whom the said, **Priority Trustee Services of TN, L.L.C.**, as Substitute Trustee, warrants the title to the aforesaid property against the lawful claims and demands of all persons claiming by, through or under him, but not further nor otherwise.

IN TESTIMONY WHEREOF, **Priority Trustee Services of TN, L.L.C.**, Substitute Trustee, has hereunto set his hand, this 13th day of November, 2003.

Priority Trustee Services of TN, L.L.C.
Substitute Trustee

STATE OF GEORGIA
COUNTY OF DEKALB

On this 13th day of November, 2003, before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared , Dionne Simmons, with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person), and who, upon his or her oath, acknowledged himself or herself to be the Vice President of **Priority Trustee Services of TN, L.L.C.**, the within named bargainor, and as such officer or member being duly authorized so to do, executed the foregoing instrument for the purposes therein contained by subscribing thereto the name of the limited liability company by himself or herself as such officer or member.

WITNESS my hand and Notarial Seal the day and year above written.

GERMAINE DUNCAN NOTARY PUBLIC CLAYTON COUNTY GEORGIA EXPIRES SEPT. 21, 2004

Notary Public

My Commission Expires: _____

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STATE OF GEORGIA
COUNTY OF DEKALB

I hereby swear or affirm that to the best of my knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $ 71,251.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 13th DAY OF NOVEMBER 2003.

GERMAINE DUNCAN NOTARY PUBLIC CLAYTON COUNTY GEORGIA EXPIRES SEPT. 21, 2004

Notary Public

My Commission Expires: _____

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MSP No.: 416.0314509TN (Kline)
Lender Loan No.: 8804726
Property Address: 607 Durrett Drive, Nashville, TN 37211
Tax Parcel ID No.: 147 - 10; 96.00
Mail Tax Notices To and Property Owner:
Anthony Cherry and James Higgins
116 3rd Ave. South
Nashville,TN37201