Davidson County DEEDWARR
Recvd: 05/20/04 11:23 3pgs
Fees:18.00 Taxes:362.60
20040520-0059396

CASH DEED FOR TENNESSEE

FHA Case No. 483-304279

This instrument was prepared by the **Department of Housing and Urban Development**
Return to: **Fearnley & Califf, PLLC - Nashville HUD, 211 Donelson Pike - Suite 113, Nashville, TN 37214**

This Indenture, made and entered into this 4th day of May, 2004 , by and between **Alphonso Jackson,** Acting Secretary of Housing and Urban Development, of Washington, D.C., party of the first part, and
JAMES S. FAIRFAX and LISA J. FAIRFAX, husband and wife
his/her their heirs and assigns, party(ies) of the second part,

Witnesseth: That for and in consideration of the sum of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party(ies) of the second part, the following described real estate situate, lying and being in the County of **Davidson** , State of Tennessee, to wit:

Being Lot Number 45, on the plan of A Horizontal Property Regime (Private Element) Phase 2, Smith Springs Townhomes, Revision 1 of record in Instrument No. 20010629-0068937, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Property Address:	**3401 Anderson Rd #45, Antioch, TN 37013**
Owner's Name:	**JAMES S. FAIRFAX**
	LISA J. FAIRFAX
Owner's Address:	**1296 Bending Creek Dr, Antioch, TN 37013**
Mail Tax Bill to:	**Owner@Owner's Address**
Parcel No.:	**136-15-0 B 049.00 CO**

THIS DEED IS NOT TO BE IN EFFECT UNTIL: May 4, 2004

Being the same property acquired by the party of the first part pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (42 U.S.C. 3531), by deed dated **August 13, 2003**, and recorded at **Instrument No. 20040107-0002331,** in the Register's Office of **Davidson** County, Tennessee.

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(ies) of the second part, his/her/their heirs and assigns in fee simple forever.

Said Conveyance is made subject to all covenants, easements, restrictions, reservations, conditions and rights appearing of record against the above described property; also **Subject** to any state of facts which an accurate survey of said property would show.

And the Said party of the first part does hereby covenant with the said party(ies) of the second part that he is lawfully seized in fee of the aforedescribed real estate; that he/she has a good right to sell and convey the same; that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons, claiming same, by, through or under him but no further or otherwise.

In Witness Whereof the undersigned has set his hand and seal as **Attorney In Fact,** HUD Office, Memphis, Tennessee, for and on behalf of the said Secretary of Housing and Urban Development, under authority and by virtue of the Federal Register, Volume 35, Page 16106 (10/14/70), as amended.

Signed, sealed and delivered in the presence of:

Roochya Garcia

Traci L Sommerville

The Secretary of Housing and Urban Development of Washington, D.C., and/or his/her successors and/or assigns

By: Vallie Lynn Walker
Authorized Signatory
Nashville, Tennessee

I, or we, hereby swear or affirm that, to the best of the affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is ~~XXXXXXXXXXXXXXXXX~~ $98,000.00 , which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

James Stanfield
Affiant

Subscribed and sworn to before me this 4th day of MAY , 2004

My Commission Expires: 7-30-06

Notary Public (Seal)

Previous Editions are Obsolete

HUD-91879 (4085 Edition)
(24 CFR 200.150)

STATE OF TEXAS §
COUNTY OF BEXAR §

Before me, the undersigned, a Notary Public in and for the State of Texas, personally appeared Valli Lynn Walker, who is personally known to me and know to me to be the duly appointed Attorney-in-Fact, and to be the person who executed the foregoing instrument bearing the date 5/3/04, by virtue of the above-cited authority and acknowledged the foregoing instrument to be his/her free act and deed as Attorney-in-Fact for and on behalf of the Secretary of Housing and Urban Development.

Witness my hand and official seal this 3RD day of May, 2004.

My commission expires:

K Diana
Notary Public, State of Texas

K. DIANA
Notary Public, State of Texas
My Commission Expires
January 29, 2006