AFFIDAVIT TO RESCIND FORECLOSURE SALE

Whereas, on the 17th day of December 1999, Frederick L. Bryant and wife Shannon L. Bryant executed a Deed of Trust to secure payment of a certain obligation in the amount of $92,434.00, said Deed of Trust having been placed of record as Instrument No. 199912300309261, Registers Office for Davidson County, Tennessee.

Whereas, default occurred in the terms, condition and payments provided in said deed of trust and the holder of said indebtedness, SunTrust Mortgage, Inc., ("Lender") appointed Michael J. Philbin as Successor Trustee by instrument of record as Instrument No.20030712-0097360.

Whereas, a foreclosure sale was held on August 26, 2003, in accordance with the terms set forth in said Deed of Trust and a Successor Trustee's Deed was executed and recorded on September 9, 2003 as Instrument No. 20030909-0131152.

Whereas, the said Frederick L. Bryant and wife Shannon L. Bryant had filed a Chapter 13 Bankruptcy petition in the U.S. Bankruptcy Court for the Middle District of Tennessee under case number 03-10821-3MH-13 on August 22, 2003, and neither the lender nor Successor Trustee received notice of such filing prior to the sale; and

Whereas, the Automatic Stay provisions of 11 U.S.C. §362(A) were in effect on the day of the sale, thereby voiding and vacating any and all actions taken by the Successor Trustee,

Therefore, it is hereby acknowledged and declared by the undersigned Successor Trustee that the above referenced sale is rescinded, voided and vacated and the Successor Trustee's Deed is hereby held to be null and void, and title to the property described in the aforesaid deed of trust remains vested in the previous owner.

Further, Affiant Sayeth not this 13th day of May, 2004.

Michael J. Philbin, Trustee

Michael J. Philbin, Esquire

Davidson County DEEDTRS
Recvd: 05/14/04 14:56 1pgs
Fees:12.00 Taxes:0.00
[redacted]
20040514-0057088

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, a notary public of the state and county aforesaid, personally appeared Michael J. Philbin, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument as his free act and deed for the purposes therein contained.

Witness, my hand and official seal at Nashville, Tennessee, this the 13th day of May, 2004.

Commission Expires: _____

Jill Connors

Notary Public

JILL CONNORS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN.

Jill Connors
My Commission Expires
November 27, 2004

JILL CONNORS

Printed Name of Notary

2021 RICHARD JONES RD
SUITE 220
NASHVILLE, TN 37215

Notary's Address

THIS INSTRUMENT PREPARED BY:
Michael J. Philbin
MICHAEL J. PHILBIN, P.C.
2021 Richard Jones Road, Suite 220
Nashville, Tennessee 37215-2860

THIS INSTRUMENT IS BEING RE-RECORDED TO CORRECT TWO INADVERTANT TYPOGRAPHCIAL ERRORS THAT APPEARS IN THE 3RD PARAGRAPH WITH RESPECT TO THE DATE AND INSTRUMENT RECORDING NUMBER.

RE-RECORD

Davidson County DEEDTRS
Recvd: 05/28/04 08:58 1pgs
Fees:12.00 Taxes:0.00
20040528-0062846