Davidson County DEEDTRS
Recvd: 05/28/04 10:45 2pgs
Fees:13.00 Taxes:277.13
20040528-0062992

PICK-UP

THIS INSTRUMENT PREPARED BY:
CHERNAU, CHAFFIN AND BURNSED, PLLC
SunTrust Center, Suite 1750
424 Church Street
Nashville, Tennessee 37219

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL:
Capital Bank & Trust 1820 West End Avenue Nashville, TN 37203	SAME	42-11-B/63

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, there has occurred one or more acts of default in the note evidencing the indebtedness owed to Capital Bank & Trust Company ("Lender");

WHEREAS, Lender is the beneficiary of the Deed of Trust of record in Instrument Number 20010706-0072508, Register's Office for Davidson County, Tennessee (hereinafter referred to as ("Deed of Trust"). Said Deed of Trust secures to the Lender the payment in full of the note evidencing the subject indebtedness in the original principal sum of $75,000.00.

WHEREAS, by and through the above described Deed of Trust, the grantor, Samuel Carter (the "Borrower") conveyed the real property described herein to R. Rick Hart, Trustee, for the benefit of the Lender, with power of sale;

WHEREAS, the Lender pursuant to the terms and conditions of the above Deed of Trust, did appoint Amy Smith as Substitute Trustee, to serve in the stead of the Trustee with all powers granted unto the Trustee, such appointment appearing of record in Instrument Number 20040408-0040414, Register's Office for Davidson County, Tennessee;

WHEREAS, Lender notified the Trustee of the default by the Borrower in the payments called for in the note secured by the above Deed of Trust and demanded that the Trustee advertise the subject property for sale pursuant to the terms and conditions of the said Deed of Trust;

WHEREAS, the Substitute Trustee did advertise the property for sale in the "Nashville Record" on April 22, 29, and May 6, 2003, in accordance with and in fulfillment of the requirements of the above Deed of Trust;

WHEREAS, the Trustee and/or his agent, in accordance with the requirements of the above Deed of Trust and the published advertisement for sale of the subject property, did on the 17th day of May, 2004, appear and conduct the sale of the herein described property;

WHEREAS, Capital Bank & Trust Company, did place the highest bid for the subject property, being the sum of $74,900.00;

NOW THEREFORE, for and in consideration of the sum of $74,900.00, the Substitute Trustee and/or his agent has bargained and sold, and by these present do transfer and convey unto the said Capital Bank & Trust Company, the Grantee herein, its successors and assigns, the property described as follows:

> LAND in Davidson County, Tennessee, being UNIT No. 266, on the plan of Heritage Village Condominiums, a horizontal property regime, as shown on Master Deed of record in Book 4758, page 179, amended in Book 4808, page 829, also shown on plat of record in Plat Book 4675, page 46, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.
>
> BEING the same property conveyed to Samuel Carter in Instrument No. 20010706-0072507, Register's Office for Davidson County, Tennessee.
>
> Possible Map and Parcel: 42-11-B/63
> Possible Address: 266 Mayflower Lane, Madison, Tennessee
> (The map and parcel above are believed to be correct; but same is not part of the legal description of the property sold herein and in the event of any discrepancy, the legal description herein shall control.)

The Substitute Trustee makes no personal warranties or representations concerning the subject property. This conveyance is subject to any prior matters of record including, but not limited to unpaid property taxes. The transfer is "as is" and without warranties of any kind.

To have and to hold the said tract or parcel of land, including all appurtenances, estate, title and interest thereto belonging, unto the said Grantee, its heirs and assigns, forever.

Whenever used, the singular number or pronoun shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS, my hand this 20 day of May, 2004.

Amy Smith, Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, the within named **Amy Smith**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged herself to be the Trustee under the above referenced Deed of Trust, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 20th day of May, 2004.

Notary Public
My Commission Expires: 3-31-07

KIMBERLY J. CARNEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property (whichever is greater) is $74,900.00. This is equal to or greater than the property would bring at a fair and voluntary sale.

Amy Smith, Trustee

Sworn to and subscribed before me this 20th day of May, 2004.

Notary Public
My Commission Expires: 3-31-07

KIMBERLY J. CARNEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.