PLEASE RETURN TO:
CASTLEMAN TITLE & ESCROW, LLC
110 GLANCY STREET, SUITE #112
GOODLETTSVILLE, TN 37072

Davidson County DEEDWARR
Recvd: 09/28/04 11:17 2pgs
Fees:13.00 Taxes:1461.50
20040928-0116593

47

6791941

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into as of the 20 day of September, 2004, by and between **Bank One, National Association, as Trustee, by EMC MORTGAGE CORPORATION, as Attorney-in-Fact,** party of the first part, and **K. Rod McPeters, and wife, Vickie L. McPeters,** 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 Old Hickory, County of Davidson, State of Tennessee, to wit:

Lot 256, PHASE FIVE, SECTION TWO, BRANDYWINE POINTE Planned Unit Development, as shown on plat of record in Plat Book 7900, Page 714*, in the Register's Office, Davidson County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

***as corrected by Surveyor's Certificate of Correction, as of record in Book 9339, Page 630**

Property known as: 529 Robard's Circle, Old Hickory, Tennessee, 37138

Parcel ID No.: 064-03-O-B-059.00 CO

This being the same property conveyed to the party of the first part by Substitute Trustee's Deed of record in Instrument Number 20040610-0068732, 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 aforedescribed real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the party of the second part, its successors and assigns in fee simple forever.

The party of the first part does hereby covenant with the 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 the property is subject to the Declaration of Covenants, Conditions and Restrictions recorded in Book 9339, Page 630, Certificate of Correction recorded in Book 9339, Page 627, and 2005 Davidson County real estate property taxes, not yet due and payable; 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.

Bank One, National Association, as Trustee

By EMC Mortgage Corp., as Attorney-in-Fact
Jeffrey W. Gideon
Assistant Vice President

EMC MORTGAGE CORPORATION CORPORATE SEAL 1990 DELAWARE

STATE OF TEXAS)
COUNTY O F DALLAS)

Personally appeared before me, a Notary Public, Jeffrey W. Gideon 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 Asst Vice President of EMC Mortgage 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 20th day of September, 2004.

NOTARY PUBLIC

My commission expires:
10/31/06

LINDA PENNEY
Notary Public, State of Texas
My Commission Expires 10-31-06

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, or we, 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 **$395,000.00,** which amount is equal to or greater than the amount which property transferred would command at a fair and voluntary sale.

Kathy J Byers
AFFIANT

Subscribed and sworn to before me this the 24th day of September, 2004.

Doris Coley
NOTARY PUBLIC

My commission expires: 10/24/05

DORIS COLEY NOTARY PUBLIC AT LARGE SUMNER COUNTY, TE

Property Address:
529 Robard's Circle
Old Hickory, TN 37138

New owner & mail tax bills to:
K. Rod & Vickie L. McPeters
529 Robards Circle
Old Hickory, TN 37138

This instrument prepared by:
CRISLIP, PHILIP & ASSOCIATES
4515 Poplar Ave., Suite 322
Memphis, TN 38117
901-525-2427

MAP / PARCEL:
064-03-0-B-059.00 CO