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

Davidson County DEEDTRS
Recvd: 10/05/04 08:43 2pgs
Fees:13.00 Taxes:555.74
20041005-0119451

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL:
Marty Penix 702 Valley View Mt. Juliet, Tennessee 37122	SAME	98-9-B/7

SUBSTITUTE TRUSTEE'S DEED

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

WHEREAS, Lender is the beneficiary of the Deed of Trust and Security Agreement of record in Instrument Number 2000 1030-0107335, 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 related to Lot 7, as further described herein.

WHEREAS, by and through the above described Deed of Trust, the grantor, Five Star Builders, LLC, a Tennessee limited liability company (the "Borrower") conveyed the real property, known as Lot 7 and as described herein, to George R. Archer, Jr., 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 20040402-0037656, Register's Office for Davidson County, Tennessee;

WHEREAS, as it relates to Lot 7 as further described herein, 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 a portion of 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 September 9, 16 and 23, 2004, in accordance with and in fulfillment of the requirements of the above Deed of Trust;

WHEREAS, the Trustee and/or her 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 1st day of October, 2004, appear and conduct the sale of the herein described property;

WHEREAS, Marty Penix did place the highest bid for the subject property, being the sum of $150,200.00;

NOW THEREFORE, for and in consideration of the sum of $150,200.00, the Substitute Trustee has bargained and sold, and by these present do transfer and convey unto the said Marty Penix, the Grantee herein, its successors and assigns, the property described as follows:

> Land in Davidson County, Tennessee, being Lot No. 7, on the plan of Windchase, Phase III, a Planned Unit Development, as shown on plat of record in Plat Book 11700, page 14, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.
>
> Being part of the same property conveyed to Five Star Builders, LLC in Instrument 20001025-0105981, Register's Office for Davidson County, Tennessee.

This sale is subject to all matters shown on any applicable recorded Plan, plat, charter, restriction, judgment(s), or declaration of taking(s); any prior lien(s) of record; unpaid taxes which exist as a lien against said properties; any restrictive covenant(s), easement(s) or setback line(s) that may be applicable; any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal and any prior liens or encumbrances that may exist against the property. This sale is also subject to any matter that an accurate survey of the premises might disclose.

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 1 day of October, 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 she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 1st day of October, 2004.

Notary Public

My Commission Expires: 7/19/08

JODEAN M. KING 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 $150,200.00. 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 the 1st day of October, 2004, 2004.

Notary Public

My Commission Expires: 7/19/08

JODEAN M. KING NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.