Davidson County DEEDWARR
Recvd: 10/12/04 11:21 4pgs
Fees:23.00 Taxes:333.00
20041012-0122811

CASH DEED FOR TENNESSEE

FHA Case No. 483-311580

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 1st day of October, 2004 , by and between **Alphonso Jackson,** Acting Secretary of Housing and Urban Development, of Washington, D.C., party of the first part, and
SAMUEL B. CULVER, a married man
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:

****SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION*****

Property Address: **3857 Abernathy Rd, Nashville, TN 37218**
Owner's Name: **SAMUEL B. CULVER**

Owner's Address: **1722 Pecan St, Nashville, TN 37218**
Mail Tax Bill to: Owner at Property Address

Parcel No.: **069-00 0 031.00**

THIS DEED IS NOT TO BE IN EFFECT UNTIL: October 1, 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 May 5, 2004, and recorded at Instrument No. 20040720-0086288 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:

Jessica Pera

Sandra B

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

By: 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 **$90,000.00**, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Samuel B. Culver
Affiant

Subscribed and sworn to before me this 1st day of October, 2004

My Commission Expires:
5/16/06

(Seal)
Notary Public

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 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 9/27/04, 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 27 day of September, 2004.

My commission expires:

K Diana
Notary Public, State of Texas

K. DIANA
Notary Public, State of Texas
My Commission Expires
January 23, 2008

"EXHIBIT A"

Tract 1: Land in the 13th , formerly 23rd, Civil District of said County, being part of Lot No. 4 on the Plan of the Lands of Mrs. Elizabeth Abernathy, deceased, as of record in Book 294, Page 19, Register's Office for said County, described according to a survey made by George W. Watkins, Surveyor, January 12, 1955, as follows: Beginning at a point in the center of Abernathy Road at the intersection of the center line of said Road and the Eastern boundary line of Lot No. 5 on said plan conveyed to Grover Cleveland Sewell by deed of record in Book 102, Page 355, said Register's Office, said point being also 327.4 feet Northerly from the Northeast corner of a tract of land conveyed to Herbert D. Fyke and wife, by deed of record in Book 2090, Page 66, said Register's Office; thence with the line between said lots 4 and 5 and Sewell's boundary line, North 2 deg. East 425 feet to an axel, thence South 84 deg. 24' East 175 feet to an iron pin at the bottom of a rock bluff; thence South 2 deg. West 419.8 feet to a point in the center of said Abernathy Road; thence with the center of said Road, North 86 deg. 08' West 175 feet to the beginning, containing 1.69 acres, more or less. Tract 2: Land in the 13th Civil District of Davidson County, Tennessee, being part of Lot No. 4 on the plan of the lands of Mrs. Elizabeth Abernathy, deceased, of record in Book 294, Page 19, Register's Office for said County, described according to a survey made by George W. Watkins, Surveyor, September 8, 1958, as follows: Beginning in the center of Abernathy Road at the Southeast corner of that part of said Lot No. 4 conveyed to Bruce Atkins and wife, by deed from Lula Sanders Abernathy, of record in Book 2340, Page 625, said Register's Office; thence with the center of said Road, South 86 degrees East 125 feet; thence North 2 degrees East 700 feet to a point in the center of Whites Creek; thence North 87 degrees 40' West 300 feet; thence South 2 degrees 268 feet to an Axel, being said Atkins' Northwest corner; thence with said Atkins' Northern boundary line, Eastwardly 175 feet to said Atkins' Northeast corner; thence South 2 degrees West 419.8 feet to the beginning, containing 3.12 acres, more or less.