*THIS INSTRUMENT PREPARED BY:*
MICHAEL J. PHILBIN, P.C.
2021 RICHARD JONES ROAD, SUITE 220
NASHVILLE, TENNESSEE 37215-2860

Davidson County DEEDTRS
Recvd: 10/18/04 14:59 2pgs
Fees:13.00 Taxes:39.83
20041018-0125129

# TRUSTEE'S DEED

**Michael J. Philbin,**
**Successor Trustee**

**to**

**JAMES D. KAY, JR.**
**222 Second Avenue, North**
**Suite 340-M**
**Nashville, TN 37201**
**SEND TAX BILLS HERE**
**NO MORTGAGEE**

**Map and Parcel No. 92-7-234**

**WHEREAS**, Carl E. Jones executed a deed of trust on the 24th day of November, 1999, which was recorded in Book 11763, Page 461, Register's Office, Davidson County, Tennessee, conveying to Matthew Brothers, Trustee, the property hereinafter described to secure the payment of a promissory note payable to James D. Kay, Jr. referred to in said deed of trust; and

**WHEREAS**, Michael J. Philbin, was appointed Successor-Trustee, said appointment being recorded in Instrument No. 20040712-0082377, Register's Office, Davidson County, Tennessee; and

**WHEREAS**, default occurred in the performance of the terms of said Promissory Note and/or the Deed of Trust securing the same and the noteholder in accordance with the provisions therein declared the entire indebtedness due and payable and requested the Trustee, Grantor herein, advertise and sell the property; and

**WHEREAS**, the sale was advertised as required by law and in accordance with the terms of the Deed of Trust, by giving twenty-one (21) days notice by three (3) successive weekly publications appearing in the Nashville Record, a newspaper published and circulated in Davidson County, Tennessee; and pursuant to the advertisement, the sale was held at the time and place advertised, to-wit: October 5, 2004 at 10:30 a.m. outside the front door of Register's Office for Davidson County, Tennessee, located at 501 Broadway, Suite 501, at the northwest entrance to Gaylord Entertainment Center in Nashville, Davidson, County, Tennessee, at which time the Trustee, Grantor herein, offered for sale the property hereinafter described to the highest and best bidder for cash at public outcry, in bar of all equities of redemption, the statutory right of redemption, homestead, dower and all other rights or exemptions of every kind, all of which were expressly waived and relinquished in the Deed of Trust; and

**WHEREAS,** Grantee herein, James D. Kay, Jr., being the highest and best bidder at said sale with a bid of Ten Thousand Seven Hundred Sixty-Five and No/100 Dollars ($10,765.49), was duly declared the purchaser.

**NOW, THEREFORE**, in consideration of the premises and the further consideration of Ten Thousand Seven Hundred Sixty-Five and No/100 Dollars ($10,765.49), paid by James D. Kay, Jr., the receipt of which is hereby acknowledged, I, Michael J. Philbin, Successor-Trustee, have this day bargained and sold and by these presents do hereby transfer and convey unto James D. Kay, Jr., his successors and assigns, the following tract of land situated in Davidson County, Tennessee, and more particularly described as follows, to-wit:

> Land in Davidson County, Tennessee, being Lot No. 21 on the Plan of T.J. Harding's Subdivision of Lot No. 6 Elizabeth Harding Lytle Tract, as shown on plat of record in Plat Book 161, Page 11 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 Carl E. Jones by Special Warranty Deed, from Lebanon Bank, of record in Book 8020, Page 45, Register's Office of Davidson County, Tennessee.

This is unimproved property also known as 748 22nd Avenue North, Nashville, Tennessee 37208.

**TO HAVE AND TO HOLD** said real estate together with the appurtenances, estate, title and interest thereunto belonging to the said James D. Kay, Jr., his successors and assigns forever as fully and completely as the Successor-Trustee can or ought to convey under the power vested in the Trustee in said Deed of Trust and his appointment as Successor-Trustee; and said Successor-Trustee, Grantor herein, does hereby transfer and assign to James D. Kay, Jr., his successors and assigns all the warranties and covenants made in said Deed of Trust.

This conveyance is made subject to all matters shown on any applicable recorded Plan; any unpaid taxes; any restrictive covenants, easements or setback lines that may be applicable; any statutory rights of redemption of any governmental agency, state or federal; and any prior liens or encumbrances as well as any priority created by a fixture filing; and subject to any matter that an accurate survey of the premises might disclose.

**IN WITNESS WHEREOF**, the said Michael J. Philbin, Successor-Trustee, has hereunto set his hand this 7th day of October, 2004.

Michael J. Philbin, Successor-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 Michael J. Philbin, Successor-Trustee, the bargainor, 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 for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, this 7th day of October, 2004.

SHELLY ABELL NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN

Shelly Abell
My Commission Expires
March 25, 2006

Commission Expiration Date

Notary Public

Printed Name of Notary

**STATE OF TENNESSEE §**
**COUNTY OF DAVIDSON §**

The actual consideration of value, whichever is greater for this transfer is $10,765.49.

Michael J. Philbin, AFFIANT

WITNESS my hand and official seal at Nashville, Tennessee, this 7th day of October, 2004.

SHELLY ABELL NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN

Shelly Abell
My Commission Expires
March 25, 2006

Commission Expiration Date

Notary Public

Printed Name of Notary