Davidson County DEEDTRS
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Fees:18.00 Taxes:240.50
20041203-0144123

This instrument was prepared by:
RONALD B. BUCHANAN, Attorney at Law
103 Hazel Path Court
Hendersonville TN 37075

Address New Owner:	**Send Tax Bills To:**	**Map/Parcel:**
Barry L. Miller, et al **2671 Hwy 52 W** **Lafayette, TN 37083**	**Barry L. Miller, et al** **2671 Hwy 52 W** **Lafayette, TN 37083**	**43-20-A122.00**

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, **Herschel F. Miller** by Deed of Trust (the "***Deed of Trust***") dated October 26, 2000, recorded as Instrument Number 20001027-0106743, Register's Office for Davidson County, Tennessee, conveyed to **Carl H. Oldham. Trustee**, the hereinafter described real property to secure the payment of a certain Promissory Note (the "***Note***") described in the Deed of Trust, which Note was payable to **Herschel F. Miller**; and

***WHEREAS,* RONALD B. BUCHANAN** was appointed to act as Substitute Trustee in the place and stead of the said Carl H. Oldham, by instrument recorded as Instrument Number 20041025-0128104, said Register's Office; and

WHEREAS, default was made in the payment of the Note; and

WHEREAS, the owner and holder of the Note demanded that the Substitute Trustee foreclose the Deed of Trust; and

WHEREAS, pursuant to instructions of the owner and holder, the Substitute Trustee advertised said property for sale in accordance with the terms and provisions of the Deed of Trust, notices of the time and place of said sale having been published in *The Nashville Record* on November 4, November 11, and November 18, 2004; and

WHEREAS, the Substitute Trustee, as required by the terms of the Deed of Trust, offered said property for sale to the highest bidder for cash, at public outcry on November 30, 2004, and **Barry L. Miller, Sherran P. Short and Danny L. Miller,** as equal tenants in common, (hereinafter jointly "*Grantee*") being the highest and best bidder thereof, became the purchaser of said property for an offset of *Sixty-five Thousand & No/100 Dollars ($65,000.00)* against the

indebtedness owing to Herschel F. Miller, who is deceased. The Grantees are his only heirs and holders of the Note.

NOW, THEREFORE, **RONALD B. BUCHANAN**, in his capacity as Substitute Trustee, and not otherwise, for and in consideration of the offset against the Note as stated above, the receipt of which is hereby acknowledged, hereby transfers and conveys to the Grantee, **Barry L. Miller, Sherran P. Short and Danny L. Miller,** as equal tenants in common, their heirs, successors and assigns, certain real property located in Davidson County, Tennessee, more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. F-122 on the Plan of Cedarwood Courtyard Homes, Phase One, a Planned Unit Development, as of record in Plat Book 5200, Page 61, amended in Book 5497, Page 800, together with the appurtenant interest in the common areas and limited common areas of Cedar wood Courtyard Homes, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
>
> Being the same property conveyed to Steve F. Turman by deed from Herschel F. Miller recorded as Instrument Number 20001027-0106742 in the Register's Office for Davidson County, Tennessee.

TO HAVE AND TO HOLD the aforesaid property free from all legal, equitable and statutory rights of redemption, exemptions of homestead, rights by virtue of marriage, and all other exemptions, all of which were waived in the Deed of Trust, in as full and complete manner as the undersigned, in his capacity as Substitute Trustee, and not otherwise, has the power to convey the same. RONALD B. BUCHANAN, as Substitute Trustee, and not otherwise, warrants the title to said property to the Grantee, its successors and assigns, against the lawful claims of all persons claiming by or through him, but not otherwise.

IN WITNESS WHEREOF, the undersigned has executed this instrument on the 30th day of November, 2004.

RONALD B. BUCHANAN, *Substitute Trustee*

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STATE OF TENNESSEE
COUNTY OF SUMNER

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared, RONALD B. BUCHANAN, *Substitute Trustee*, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my Hand and Notarial Seal at office in Hendersonville, Tennessee, on this the 30th day of November, 2004.

NOTARY PUBLIC

KATHRYN TIDWELL NOTARY PUBLIC AT LARGE RUTHERFORD COUNTY, TENN.

My Comm. Expires: 12/18/05

STATE OF TENNESSEE)
COUNTY OF SUMNER)

The actual consideration or value, whichever is greater, for this transfer is $65,000.00.

Affiant

Subscribed and sworn to before me on this 30th day of November, 2004.

Notary Public

KATHRYN TIDWELL NOTARY PUBLIC AT LARGE RUTHERFORD COUNTY, TENN.

My Comm. Expires: 12/18/05