This instrument prepared by:
Brenda R. Lehman, Attorney at Law
Attorney at Law
Six Cadillac Drive, Suite 190
Brentwood, Tennessee 37027
(615) 371-8999

File No.: **2120-729240**

Davidson County DEEDWARR
Recvd: 02/16/05 15:41 3 pg
Fees:18.00 Taxes:621.60
20050216-0017869

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into this **Eleventh day of February, 2005**, by and between **Bank of America, NA**, parties of the first part, and **Kevin L. Allen**, party of the second part,

WITNESSETH: This for and in consideration of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part had bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described Real Estate, situated and being in the City of **Hermitage**, County of **Davidson**, State of **Tennessee**, to wit:

Lot 72, PHASE ONE, SECTION SIX, NEW HOPE POINT Planned Unit Development, as shown on plat of record in Plat Book 9700, Page 859, and as amended by Surveyor's Certificate of Correction as filed of record in Instrument No. 20010531-0056257, in the Register's Office, Davidson County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Bank of America, NA by Substitute Trustee's Deed from Priority Trustee Services of TN, LLC as Substitute Trustee, recorded the 8th day of July, 2004 in Instrument Number 200407080081417 in the Register's Office for Davidson County, Tennessee.

Being the same property conveyed to parties of the first part, herein shown in:
Book , Page No.: or Instrument No.: in said Register's office.

This conveyance is made subject to:
1) Taxes which have been assumed by Grantee; 2) All restrictions of record; 3) All easements of records; 4) All visible easements; 5) All matters appearing on the plan of record; 6) All applicable governmental and zoning regulations.

Parcel ID # **098-13-0-A 072.00 CO**
X Improved OR
Unimproved property located at: **105 Breakwater Bay, Hermitage, Tennessee 37076**

TO HAVE AND TO HOLD the aforesaid Real Estate together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his/her heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that he/she is lawfully seized in fee simple of the aforedescribed real estate; that he/she has good right to sell and convey the same; that the same is unencumbered, EXCEPT as set forth herein, and that the title and quiet possession thereto he/she warrants and forever defends against the lawful claims of all persons.

and that the title and quiet possession thereto he/she warrants and forever defends against the lawful claims of all persons "claiming by, through, or under him/her, but not further or otherwise."

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part of the day and year first above written.

Bank of America, NA
First Preston Management, Inc.
As Attorney-In-Fact for Bank of America, NA

By _____

~~By~~ _____
Jeffrey F. Moffitt, Closing Manager

State of Colorado

County of Denver

Before me, the undersigned, Notary Public of the State and County aforesaid, personally appeared JEFFREY F MOFFITT with whom I personally acquainted (or to me on the basis of satisfactory evidence) and who, upon oath, acknowledged _____ to be the attorney-in-fact of **Bank of America, NA**, the within named bargainer, a corporation, and that he/she as such attorney-in-fact, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by ~~JEFFREY F MOFFITT~~ as such attorney-in-fact of **Bank of America, NA.**

Tenth

Witness my hand and Notarial Seal at office this **~~Eleventh~~ day of February, 2005**.

DONNA M. THURTELL
NOTARY PUBLIC
STATE OF COLORADO

Donna M Thurtell
Notary Public

My Commission Expires: 3/24/06

****

Owner's Name: **Kevin L. Allen**

and Address: **105 Breakwater Bay**
Hermitage, TN 37076

Mail tax bills to, (Person or Agency responsible for payment of taxes)
America's Wholesale Lender
P.O. Box 10212 MSN SV22
Van Nuys, CA 91410-0212

I, or we, hereby swear and 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 **$168,000.00** which amount is equal or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant JEFFREY F MOFFITT

Subscribed and sworn to before me this ~~Eleventh~~ Tenth **day of February, 2005.**

Notary Public

My Commission Expires: 3/26/06

DONNA M. THURTELL
NOTARY PUBLIC
STATE OF COLORADO