This Instrument Prepared by:
Wilson & Associates, P.L.L.C.
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Davidson County DEEDTRS
Recvd: 02/18/05 15:13 2 pgs
Fees:12.00 Taxes:0.00
20050218-0018709

AFFIDAVIT TO RESCIND TRUSTEE'S SALE

STATE OF ARKANSAS
COUNTY OF PULASKI

BEFORE ME, the undersigned authority, on this day personally appeared Christopher Palmer, who acknowledged himself to be an Attorney of Wilson & Associates, P.L.L.C. for the limited purpose of foreclosing the Deed of Trust stated below on behalf of Bank of New York as Trustee for the Benefit of the Certificateholders of Asset-Backed Certificates, Series 2003-SD2, and who after being duly sworn, deposed and stated:

THAT default occurred in the performance of the covenants, terms, and conditions of a Deed of Trust Note dated January 24, 2001 and recorded January 29, 2001, and the Deed of Trust of even date securing the same, recorded as Instrument No. 20010129-0008469 in the real estate records of Davidson County, Tennessee, executed by Jimmy Duke and Barbara Duke and conveyed to Ernest B. Williams, IV, as Trustee for the CIT Group/Consumer Finance, Inc. (a Delaware Corporation).

THAT the current holder of the indebtedness by said Deed of Trust, Bank of New York as Trustee for the Benefit of the Certificateholders of Asset-Backed Certificates, Series 2003-SD2, offered the subject property for sale to the highest bidder on February 2, 2005, at the Gaylord Entertainment Center in Nashville, Tennessee, to wit:

> Land in Davidson County, Tennessee, being Lot No. 20 on the Map of G.A. Pickup's Addition to Nashville, of record in Book 974, Page 43, Register's Office for Davidson County, Tennessee. Said Lot No. 20 fronts 50 feet on the easterly side of North 16th Street and extends back 113.4 feet on the northerly line and 138.1 feet on the southerly line to the L&N Railroad right of way, measuring 56.3 feet thereon. Being the same property conveyed to Grantors by deed being recorded simultaneously herewith.
>
> Commonly known as: 2416 North 16th Street, Nashville, Tennessee 37206

THAT at such time, an agent of the Successor-Trustee struck off and sold the subject property to Bank of New York as Trustee for the Benefit of the Certificateholders of Asset-Backed Certificates, Series 2003-SD2, for the sum of $49,044.83, that being the highest and best bid offered.

THAT on January 26, 2005, Barbara Faye Duke filed a Chapter 13 Bankruptcy under Case Number 05-00955. At the time of filing, Mrs. Duke owned the property located at 2416 North 16th Street, Nashville, Tennessee 37206, that being the same property sold at the above mentioned foreclosure sale. The sale is therefore null and void.

THAT the Note and Deed of Trust are hereby ratified and reformed to their former status.

THAT Bank of New York as Trustee for the Benefit of the Certificateholders of Asset-Backed Certificates, Series 2003-SD2, thus hereby rescinds the foreclosure sale.

FURTHER, Affiant sayeth not.

BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF ASSET-BACKED CERTIFICATES, SERIES 2003-SD2

By:_____

ACKNOWLEDGEMENT

Before me, the undersigned, personally appeared Christopher L. Palmer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath acknowledged such person to be an officer authorized to execute the instrument of Bank of New York as Trustee for the Benefit of the Certificateholders of Asset-Backed Certificates, Series 2003-SD2, and whose name is subscribed to the foregoing instrument, and who acknowledges that the contents of said Affidavit were true and correct and that the Affidavit was executed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Felesia L. Booker
Notary Public

My Commission Expires:
5/1/12

FELESIA L. BOOKER
NOTARY PUBLIC-STATE OF ARKANSAS
PULASKI COUNTY
My Commission Expires 5-1-2012

W&A No. 80839