Davidson County DEEDTRS
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Fees:12.00 Taxes:0.00
20050426-0046253

This Instrument Prepared by:
Wilson & Associates, P.L.L.C.
1521 Merrill Drive, Suite D-220
Little Rock, AR 72211
(501) 219-2388

AFFIDAVIT TO RESCIND TRUSTEE'S SALE AND SUBSTITUTE TRUSTEE'S DEED

STATE OF ARKANSAS
COUNTY OF PULASKI

BEFORE ME, the undersigned authority, on this day personally appeared Christopher L. 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 Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. 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 dated August 16, 1993 and recorded August 23, 1993 and a Deed of Trust of even date securing the same at Book 9055, Page 93 in the Register of Deeds Office of Davidson County, Tennessee, executed by Alvin Maydell Blair and Barbara J. Blair and conveyed to Southeast Title of Tennessee, Inc., Nashville, Davidson County, TN, as Trustee for AmSouth Mortgage Company, Inc.

THAT the current holder of the indebtedness secured by said Deed of Trust, Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc., offered the subject property for sale to the highest bidder on or about December 8, 2004 at the Gaylord Entertainment Center in Nashville, Tennessee, to wit:

> Land in Davidson County, Tennessee, being a portion of Lot No. 1 on the map of J. M Mayo's Subdivision of record in Will Book 30, Page 175, probate Court for said County, and being further described according to a survey by A & A Engineers, Inc. dated April 27, 1984; and described according to a Mortgage loan inspection made by John Kohl & Company, dated 08/13/93, License No. 100, whose address is 400 7th Avenue South, Nashville, TN 37203, as follows: BEGINNING at a point in the center of Dry Fork Road, 25 feet from Corney Creek, said point also being the northeasterly corner of the property conveyed to John A. Bostelman, of record in Book 5209, Page 159, said Register's Office, and being the southeasterly corner of the herein described tract of land, thence, running in a northwestwardly direction with the center of Dry Fork Road, 185 feet to a corner of the property conveyed to E.A. Lanius, of record in Book 1225, Page 397, said Register's Office; thence, leaving the center of Dry Fork Road and running in a southwestwardly direction with the center of a driveway, 100 feet to a point; thence, southeastwardly 152 feet to a point 25 feet from the said Corney Creek, said point being in Bostelman's northwesterly line; thence; with Bostelman's northwesterly line northwesterly 152 feet to the point of beginning. TOGETHER with an agreement for dedication of easement for private sewage disposal system granted by E. A. Lanius and wife, Mary H. Lanius to Willard McCarroll and wife, Faye McCarroll by instrument of record in Book 6306, Page 894, said Register's Office, being more particularly described as follows: Beginning at a point 40 feet from the center of the driveway to the E.A. Lanius home on the southeasterly boundary which is common to the Lanius and the McCarroll property, running southeasterly 75 feet to a point; thence, 75 feet to a southwesterly direction, thence, 75 feet in a northwesterly direction; thence , 75 feet in a northeasterly direction. Being all of the property conveyed to A. M. Blair, Unmarried by Deed of record in Book 6338 page 315, Register's office for said county. The said A. M. Blair has since married. The said A.M. Blair and Alvin Maydell Blair are one and the same person.
>
> Commonly known as: 4415 Dry Fork Road, Whites Creek, Tennessee 37189

THAT at such time, an agent of Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. struck off and sold the subject property to Aubrey Hiam at and for the sum of $50,000.00, that being the highest and best bid offered.

THAT by Trustee's Deed duly recorded in the register of deeds office of Davidson County, Tennessee, on December 17, 2004 as Instrument No. 20041217-0150102, the subject real property was conveyed to Aubrey Hiam pursuant to the Tennessee Statutory Foreclosure Act.

THAT subsequent to said sale, sufficient conditions arose to warrant the rescission of the sale and restoration of the subject property to its former state.

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

THAT Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. thus hereby rescinds the foreclosure sale and Trustee's Deed.

FURTHER, Affiant sayeth not.

WILSON & ASSOCIATES, P.L.L.C.

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 Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc., 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.

Witness my hand and seal at office in Little Rock, Arkansas this 22nd day of April, 2005.

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. 78484