Davidson County DEEDTRS
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Fees:18.00 Taxes:1251.78

20050615-0068707

This Instrument Prepared By:

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Nashville, TN 37201
(615) 255-4849

# SUBSTITUTE TRUSTEE'S DEED

| Address New Owner(s) As Follows: | Send Tax Bills To: | Map-Parcel Nos. |
|---|---|---|
| AmSouth Bank<br>P.O. Box 2304<br>Jackson, Mississippi 39225 | Same | Map No. 061-13-0<br>Parcel 001.00 |

I, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $338,319.00.

Affiant

Subscribed and sworn to before me, this 10th day of June, 2005.

Notary Public

My Commission Expires: 7/9/08

WHEREAS, by Deed of Trust dated May 1, 2002 and recorded in Instrument No. 20020507-0056356, Register's office for Davidson County, Tennessee, Co-Operative Electric Co., Inc. conveyed to FMLS, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein set forth; and

WHEREAS, the holder of the debt secured the appointment of undersigned as Substitute Trustee by instrument of record in Instrument No. 20050315-0028370, said Register's office; and

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and

WHEREAS, in pursuance of said request of said beneficiary, the said property was advertised for sale in conformity with the terms and provisions of said Deed of Trust, and said advertisement appeared in the Nashville Record on May 12, 2005, May 19, 2005, and May 26, 2005; and

WHEREAS, pursuant to the Notice of Sale, the foreclosure sale was appointed to be held on the 8th day of June, 2005, at 10:00 o'clock a.m. at the front door of the Davidson County Register of Deeds Office, 501 Broadway, Nashville, Tennessee; and

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which sale, AmSouth Bank, being the highest and best bidder became the purchaser of said property at and for the sum of Three-Hundred, Thirty-Eight Thousand, Three-Hundred and Nineteen Dollars ($338,319.00).

NOW, THEREFORE, in consideration of the premises, and the said purchase price bid and paid, undersigned, as the Substitute Trustee, does hereby grant, bargain, sell, transfer, and convey unto AmSouth Bank, the following real estate:

> Being Lot No. 246 on the Plan of Maplewood Heights, Second Subdivision, a plan of which is of record in Book 547, Page 103 and 104, Register's Office for said County.
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> Said Lot No. 46 fronts 100 feet on the northerly side of the Masonic Home County Road, and extends back between parallel lines on the west side 361 ½ feet to a dead line and 351.1 feet on the east line to dead line and measures 100 feet on the said dead line.
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> THERE IS INCLUDED IN THE HEREIN DESCRIBED PROPERTY BUT HEREBY EXPRESSLY EXCLUDED THEREFROM, the following tract of parcel of land:
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> Beginning at a point of intersection of the west boundary of he Robert L. Mathes property and the north margin of Ben Allen Road, thence south 79 degrees 45 minutes 18 seconds east 49.99 feet to a point in the said west boundary south 17 degrees 22 minutes 42 seconds west 6.25 feet to the point of beginning, and containing 159 square feet and being the same property conveyed to the State of Tennessee, Department of Transportation by deed from Lula Mai Timbs of record in Book 4937, Page 107, said Register's Office.
>
> Being the same property conveyed to Co-Operative Electric Co., Inc., a Tennessee Corporation, by Warranty deed from Staley O. McDowell, a single person, of record in Book 9556, Page 109, Register's Office for Davidson County, Tennessee.

to have and to hold the same, together with all the hereditaments, improvements, buildings, easements, and appurtenances therein and thereunto belonging and appertaining, in fee simple, forever and free from all homestead, dower, equitable right of redemption, statutory right of redemption, marital share and all other exemptions and redemptive rights of every kind in the maker of said Deed of Trust, and all persons claiming through and under said maker.

UNDERSIGNED, as Substitute Trustee, does hereby transfer, assign, and set over unto AmSouth Bank, its successors and assigns, all of the covenants or warranties contained in the aforesaid Deed of Trust, and does hereby warrant the title to the aforesaid real estate as fully and completely as he is authorized to do as such Substitute Trustee, but no further or otherwise. Undersigned makes no warranties as to condition, location or set back of improvements on the property. The property is subject to all easements or restrictions of record in the Register's Office. This conveyance is subject to such priority tax liens and prior encumbrances as may appear of record, as well as all ad valorem property taxes which may be of record or applicable to said property.

The designation of the parties to this instrument in either the plural or singular shall be applied to mean either number, and where appropriate in the context hereof, shall mean any one or more of said parties, and any pronoun used herein shall include the masculine, feminine and neuter genders.

IN WITNESS WHEREOF, undersigned has hereunto set his hand and seal, this 10th day of June, 2005.

David M. Smythe
Substitute Trustee

**STATE OF TENNESSEE )**
**)**
**COUNTY OF DAVIDSON )**

Personally appeared before me, FRANCES E. GIST, a Notary Public in and for the said county and State, the within named bargainor, David M. Smythe, Substitute Trustee, with whom I am personally acquainted, (or who proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purpose therein contained.

Witness my hand and official seal at office this 10TH day of JUNE, 2005.

Frances E. Gist
Notary Public

FRANCES E. GIST NOTARY PUBLIC AT LARGE TENNESSEE

My Commission Expires: 7/9/08