AFFIDAVIT TO RESCIND FORECLOSURE SALE

Davidson County DEEDTRS
Recvd: 07/07/05 10:24 2 pg
Fees:12.00 Taxes:0.00
20050707-0078126

STATE OF ARKANSAS)
COUNTY OF PULASKI)

The actual consideration or value, whichever is greater, for this transfer is $0.00.

Robert S. Coleman, Jr.

"NOTARY SEAL"
Krista L. Gann, Notary Public
Pulaski County, State of Arkansas
My Commission Expires Feb 25, 2013.

Subscribed and sworn before me this the 27th day of June, 2005

Notary Public

My commission expires: 2/25/2013

This instrument was prepared by:

Robert S. Coleman, Jr.
1405 North Pierce, Suite 306
Little Rock, Arkansas 72207

Whereas, on July 26, 2001, Brenda Phillips a/k/a Brenda A. Phillips and Harry G. Phillips executed a Deed of Trust to secure payment of a certain obligation in the amount of $86,400.00, said Deed of Trust having been placed of record as Instrument No. 20010820082508 in the Register's Office of Davidson County, Tennessee, and

Whereas, default occurred in the terms, condition and payments provided in said Deed of Trust and the holder of said indebtedness, Novastar Mortgage, Inc., appointed Robert S. Coleman, Jr., as Successor Trustee as Instrument No. 20031217-0179914; and

Whereas, a foreclosure sale was held on June 3, 2004, in accordance with the terms set forth in said Deed of Trust and a Successor Trustee's Deed was executed and recorded on June 10, 2004, as Instrument No. 20040610-0069152; and

Whereas, the said Harry G. Phillips obtained a Temporary Restraining Order in the U.S. Bankruptcy Court, Middle District of Tennessee, on June 2, 2004 under case number 04-06775; and

Whereas, the Successor Trustee did not receive notice of the bankruptcy filing and the Successor Trustee held the sale on June 3, 2004, and filed the Successor Trustee's Deed on June 10, 2004. The Successor Trustee's Deed was recorded in the Register's office of Davidson County, Tennessee as Instrument No. 20040610-0069152.

THEREFORE, it is hereby acknowledged and declared by the undersigned Successor Trustee that the above referenced sale is rescinded, voided and vacated and the Successor Trustee's Deed is hereby held to be null and void, and the property in the legal description contained therein remains entitled of it's previous owner.

Further Affiant sayeth not this 28th day of June, 2005.

Robert S. Coleman, Jr.
Successor Trustee

STATE OF ARKANSAS)
COUNTY OF PULASKI)

Personally appeared before me, the undersigned, a Notary Public in and for said county and state. ROBERT S. COLEMAN, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the SUCCESSOR TRUSTEE of the holder (or a constituent of the holder) and is authorized by the holder (or by its constituent, the constituent being authorized by the holder) to execute this instrument on behalf of the holder.

Witness my hand, at Little Rock, Arkansas, this 28th day of June, 2005.

My commission expires: 2/25/2013

Notary Public

"NOTARY SEAL"
Krista L. Gann, Notary Public
Pulaski County, State of Arkansas
My Commission Expires Feb 25, 2013.