THIS INSTRUMENT PREPARED BY:
CHERNAU, CHAFFIN AND BURNSED, PLLC
One American Center
3100 West End Avenue, Suite 550
Nashville, Tennessee 37203

Davidson County DEEDTRS
Recvd: 08/16/05 14:53 3 pg
Fees:18.00 Taxes:59.20
20050816-0097098

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL:
James Roberts 201 Thompson Lane, Suite 200 Nashville, TN 37211	SAME	69-16/169

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, there has occurred one or more acts of default in the note evidencing the indebtedness owed to Capital Bank & Trust Company ("Lender");

WHEREAS, Lender is the beneficiary of the Deed of Trust of record at Instrument Number 20020605-0068330, Register's Office for Davidson County, and modified by way of that Assumption and Modification of Existing Notes, Deeds of Trust and Related Loan Documents of record in Instrument No. 20030312-0032967, said Register's Office, and further modified by Assumption of Tennessee Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing and Related Loan Documents of record in Instrument No. 20040423-0046637, said Register's Office, and the Modification of Note, Deed of Trust and Related Loan Documents of record in Instrument 20040810-0096695, said Register's Office (hereinafter collectively referred to as "Deed of Trust"). Said Deed of Trust secures to the Lender the payment in full of the note evidencing the subject indebtedness in the original principal sum of $199,417.65; said Deed of Trust covers five (5) real properties, only one being transferred by this Substitute Trustee's Deed, see below for legal description.

WHEREAS, by and through the above described Deed of Trust, the original grantor, Jon E. Stark and the assumptor Eaton Family Properties, a Tennessee General Partnership and Eaton Family Properties, LLC, a Tennessee limited liability company (collectively the "Borrower") conveyed the real property described herein to R. Rick Hart, Trustee, for the benefit of the Lender, with power of sale;

WHEREAS, the Lender pursuant to the terms and conditions of the above Deed of Trust, did appoint Amy Smith as Substitute Trustee, to serve in the stead of the Trustee with all powers granted unto the Trustee, such appointment appearing of record in Instrument Number 20050712-0080526, Register's Office for Davidson County, Tennessee;

WHEREAS, Lender notified the Trustee of the default by the Borrower in the payments called for in the note secured by the above Deed of Trust and demanded that the Trustee advertise the subject property for sale pursuant to the terms and conditions of the said Deed of Trust;

WHEREAS, the Substitute Trustee did advertise the property for sale in the "Nashville Record" on July 21, July 28, and August 4, 2005, in accordance with and in fulfillment of the requirements of the above Deed of Trust;

WHEREAS, the Trustee and/or her agent, in accordance with the requirements of the above Deed of Trust and the published advertisement for sale of the subject property, did on the 12th day of August, 2005, appear and conduct the sale of the herein described property;

WHEREAS, James Roberts, did place the highest bid for the subject property, being the sum of $16,000.00;

NOW THEREFORE, for and in consideration of the sum of $16,000.00, the Substitute Trustee and/or her agent has bargained and sold, and by these present do transfer and convey unto the said James Roberts, the Grantee herein, its successors and assigns, the property described as follows:

Land lying in the 13th formerly the 23rd Civil District of Davidson County, Tennessee, and described according to a survey made by J.J. Wauford & Co., Surveyors, February 28, 1953 as follows:

Beginning at a point on the east margin of Manchester Avenue South 36 deg, 30' West 285 feet from the intersection of the East margin of said Avenue, South 36 deg, 30' West 30 feet to an iron pin; thence South 53 deg, 30' East 234 feet to an iron pin; thence North 36 deg, East 30 feet and thence North 53 deg, East 30 feet and thence North 53 deg. 30' West 234 feet, to the beginning.

Being the same property conveyed to Eaton Family Properties, LLC, a Tennessee limited liability company in Instrument 20040423-0046619, Register's Office for Davidson County, Tennessee.

The Substitute Trustee makes no personal warranties or representations concerning the subject property. This conveyance is subject to any prior matters of record including, but not limited to unpaid property taxes. The transfer is "as is" and without warranties of any kind.

To have and to hold the said tract or parcel of land, including all appurtenances, estate, title and interest thereto belonging, unto the said Grantee, its heirs and assigns, forever.

Whenever used, the singular number or pronoun shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS, my hand this 12 day of August, 2005.

Amy Smith, Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, the within named **Amy Smith**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged herself to be the Trustee under the above referenced Deed of Trust, and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 12th day of August, 2005.

Notary Public

My Commission Expires: 7/19/08

JODEAN M. KING NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property (whichever is greater) is $16,000.00. This is equal to or greater than the property would bring at a fair and voluntary sale.

Amy Smith, Trustee

Sworn to and subscribed before me this 12th day of August, 2005.

Notary Public

My Commission Expires: 7/19/08

JODEAN M. KING NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

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