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: 09/21/05 13:56 2 pgs
Fees:13.00 Taxes:397.75
20050921-0113598

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL:
James F. Austin 802 Fourth Avenue South Nashville, Tennessee 37210	SAME	161-2/112

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 Tennessee Deed of Trust of record in Book 11348, page 703, Register's Office for Davidson County, Tennessee (hereinafter 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. The term "Deed of Trust" shall include any and all modifications, renewals, extensions or amendments thereto, whether noted above or otherwise;

WHEREAS, by and through the above described Deed of Trust, the grantor, Thomas J. Derrick, Jr., an unmarried man, (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 20050609-0066307, 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 a portion of 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 "The Nashville Record" on August 25, September 1 and 8, 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 16th day of September, 2005, appear and conduct the sale of the herein described property;

WHEREAS, James F. Austin did place the highest bid for the subject property, being the sum of $107,501.00;

NOW THEREFORE, for and in consideration of the sum of $107,501.00, the Substitute Trustee and/or her agent has bargained and sold, and by these present do transfer and convey unto the said James F. Austin, the Grantee herein, its successors and assigns, the property described as follows:

Land in Davidson County, Tennessee, being Lot No. 6, on the plan of Section One, McMurray Place, as shown on plat of record in Plat Book 5200, page 409, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.

Being the same property conveyed to Thomas J. Derrick, Jr. by Deed of record in Book 11348, Page 699, Register's Office for Davidson County, Tennessee.

This sale is subject to all matters shown on any applicable recorded Plan, plat,

charter, restriction, judgment(s), or declaration of taking(s); any prior lien(s) of record; unpaid taxes which exist as a lien against said properties; any restrictive covenant(s), easement(s) or setback line(s) that may be applicable; any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal and any prior liens or encumbrances that may exist against the property. This sale is also subject to any matter that an accurate survey of the premises might disclose.

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 16th day of September, 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 16th day of September, 2005.

Notary Public

My Commission Expires: 1-24-09

CHARLOTTE M. TEMPLE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TN

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property (whichever is greater) is $107,501.00. 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 the 16th day of September, 2005.

Notary Public

My Commission Expires: 1-24-09

CHARLOTTE M. TEMPLE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TN