Davidson County DEEDTRS
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20051209-0148322

This instrument prepared by:

Kleinsmith & Associates, P.C.
6035 Erin Park Drive
Colorado Springs, Co 80918

INST. NO. 20030320-0037236

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Responsible Taxpayer and Property Owner:
Tax Parcel No. 05204-0046

Name: Bank of New York as Trustee

Address: c/o Countrywide Home Loans, Inc.
7105 Corporate Drive
Plano, TX 75024

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Common Description: 1060 Mallow Drive
Madison, TN 37115

Legal Description: BEING LOT NO. 43 ON THE PLAN OF ARROWHEAD ESTATES REVISED, SECTION I, OF RECORD IN BOOK 4955, PAGE 27, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS:
SAID LOT NO. 43 FRONTS 75.30 FEET ON THE WESTERLY SIDE OF MALLOW DRIVE AND 100.95 FEET ON THE NORTHERLY SIDE OF MANZANO ROAD AND 39.27 FEET ON A CURVE AT THE INTERSECTION OF SAID ROAD AND SAID DRIVE AND EXTENDS BACK 123.56 FEET ON THE NORTHWESTERLY LINE 60.17 FEET ON THE WESTERLY LINE TO A POINT OF INTERSECTION.

I, or we, hereby swear or affirm that the actual consideration for the transfer or value of the property transferred, whichever is greater, is $73,725.83 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Philip M. Kleinsmith, Trustee

Sworn to and subscribed before me,
by Philip M. Kleinsmith, Trustee,
this 1st day of December, 2005

Notary Public

JEN COMBS
NOTARY PUBLIC
STATE OF COLORADO

MY COMMISSION EXPIRES
09/26/2009

My Commission Expires: 09/26/09.

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SUCCESSOR TRUSTEE'S DEED

Whereas, by virtue of the power and authority vested under that Deed of Trust executed by **David E. Offutt and Jo Ann Offutt** dated **3/11/2003** and recorded **3/20/2003** in Inst. No. **20030320-0037236**, Register's Office of Davidson County, Tennessee, given to secure payment of a certain indebtedness evidenced by a promissory note set forth therein, payable to the order of **Mortgage Electronic Registration Systems Inc. acting solely as Nominee for America's Wholesale Lender** default having been made in the performance of the terms and provisions of the Deed of Trust, demand having been made upon the said Debtor for payment in accordance with the provisions of the Deed of Trust, default having been made in the payment upon demand, said indebtedness described by the said Deed of Trust having been declared to be due and payable in accordance with the terms thereof, said default continuing without reinstatement, at the request of Holder of the note for the purpose of effecting payment of all sums due under the terms of the note and Deed of Trust, principal interest and costs of sale, Philip M. Kleinsmith, Trustee, did on Thursday, **December 1, 2005** at 10:00 a.m. pursuant to the advertisement published in the **Nashville Record** and sent by mail to the Debtor and lienors of record, offer for sale, at **the Front steps of Old Ben West Library Building 225, Polk Avenue, Nashville**, TN, in bar of the equities of redemption, dower and homestead, the hereinafter described real estate, at which sale **Mortgage Electronic Registration Systems Inc. acting solely as Nominee for America's Wholesale Lender** became the highest and best bidder(s) at and for the sum of **$73,725.83** and

WHEREAS, the proceeds of the sale were sufficient to satisfy all sums of principal, interest, attorney fees, costs and other sums accruing under the terms of the aforesaid Deed of Trust.

WHEREAS, **Mortgage Electronic Registration Systems Inc. acting solely as Nominee for America's Wholesale Lender** directed and instructed the undersigned to transfer, convey and assign the real estate described herein to the **Bank of New York as Trustee,** and to deliver the deed of reconveyance to said Bank;

NOW THEREFORE, Philip M. Kleinsmith, Trustee, exercising the power and authority vested in him, and in bar of the equities of redemption, dower and homestead, does hereby sell, transfer , and convey unto **Bank of New York as Trustee**, Grantee, the following described real estate, to wit:

**BEING LOT NO. 43 ON THE PLAN OF ARROWHEAD ESTATES REVISED, SECTION I, OF RECORD IN BOOK 4955, PAGE 27, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, DESCRIBED AS FOLLOWS:**
**SAID LOT NO. 43 FRONTS 75.30 FEET ON THE WESTERLY SIDE OF MALLOW DRIVE AND 100.95 FEET ON THE NORTHERLY SIDE OF MANZANO ROAD AND 39.27 FEET ON A CURVE AT THE INTERSECTION OF SAID ROAD AND SAID DRIVE AND EXTENDS BACK 123.56 FEET ON THE NORTHWESTERLY LINE 60.17 FEET ON THE WESTERLY LINE TO A POINT OF INTERSECTION.**

**FEET ON THE WESTERLY LINE TO A POINT OF INTERSECTION.**

To HAVE AND TO HOLD said described real estate unto the Grantee, his successors and assigns, forever in fee simple

Sale was advertised and made as Trustee only, without covenants or warranties of title, express or implied, subject to any governmental zoning or subdivision ordinances in effect thereon and this conveyance is so made. However, Grantor, as Trustee, but not otherwise, hereby assigns and sets over to Grantee all of the covenants and warranties contained in the Deed of Trust recorded in Inst. No. **20030320-0037236**, referred to therein.

IN WITNESS WHEREOF, Philip M. Kleinsmith, Trustee, has caused these presents to be executed this 1st day of December, 2005.

PHILIP M. KLEINSMITH, Trustee

STATE OF COLORADO )
COUNTY OF EL PASO )

Befcre me, Jen Combs, a Notary Public , duly appointed, commissicned, and qualified in and for the State and County aforesaid, personally appeared Philip M. Kleinsmith, Trustee, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

This the 1st day of December, 2005.

JEN COMBS NOTARY PUBLIC STATE OF COLORADO MY COMMISSION EXPIRES 09/26/2009

Notary Public

My Commission Expires: 09/26/09.