Address of New Owner:
Fifth Third Bank
230 Public Square
Franklin, Tennessee 37064

This instrument prepared by
J. Timothy Street
Attorney at Law
Suite 103, 236 Public Square
Franklin, Tennessee 37064

Send Tax Bills to:
Fifth Third Bank
230 Public Square
Franklin, Tennessee 37064

Davidson County DEEDTRS
Recvd: 08/31/06 11:30 10 p
Fees:53.00 Taxes:869.25
20060831-0107709

Map and Parcel No. 08102018400

SUCCESSOR TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated December 19, 1997 and recorded in Book 10729, page 273, and as amended by Amendment of Deed of Trust at Instrument No. 20010122-0004057, Register's Office for Davidson County, Tennessee, Abner Rodgers and wife, Mary Rodgers a/k/a Mary H. Rodgers conveyed to John T. Flaugher, 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 appointed J. Timothy Street as Successor Trustee by instrument recorded at Instrument No. 20060628-0077291, Register's Office for Davidson County, Tennessee; and

WHEREAS, default was made in the payment of said indebtedness and in the performance of the other covenants and agreements contained in said Deed of Trust and amended Deed of Trust and Fifth Third Bank N.A. of Tennessee, the lawful owner and holder of said indebtedness having declared all of the unpaid balance due and payable called upon the undersigned Successor Trustee to exercise the power of sale conferred by said Deed of Trust and to sell the hereinafter described property; and

WHEREAS, J. Timothy Street, Successor Trustee did give notice of the time and place of sale by publication in the *Nashville Record*, a newspaper published in Nashville, Davidson County, Tennessee, for three consecutive weeks, insertion of said advertisement appearing in each of the issues of said newspaper on July 6, 2006, July 13, 2006 and July 20, 2006, respectively; and

WHEREAS, pursuant to the terms of said notice and Deed of Trust the undersigned, J. Timothy Street, Successor Trustee, on July 31, 2006 at 10:00 a.m. at the Gaylord Entertainment Center exterior entrance to the Office of the Davidson County Register of Deeds, said entrance being located at 501 Broadway, Nashville, Tennessee, 37203 did announce the continuance of said sale until August 16, 2006 at 10:00 a.m. at the Gaylord Entertainment Center exterior entrance to the Office of the Davidson County Register of Deeds, said entrance being located at 501 Broadway, Nashville, Tennessee, 37203 and on August 16, 2006 at 10:00 a.m. at the Gaylord Entertainment Center exterior entrance to the Office of the Davidson County Register of Deeds, said entrance being located at 501 Broadway, Nashville, Tennessee, 37203 did announce the continuance of said sale until August 24, 2006 at which time and place the undersigned, J. Timothy Street did offer said property for sale at public outcry to the highest bidder for cash, and in bar of the equitable and statutory rights of redemption and homestead except for the right of redemption of the United States of America to redeem said property as provided in 26 U.S.C. 7425 (d)(1) by reason of two liens for taxes (including penalty and interest) claimed by United States of America and filed at Instrument No. 20050131-0011025 and Instrument No. 20050627-0073550, Register's Office for Davidson County, Tennessee.

The statutory notice required by 26 U.S.C. 7425(b) along with the response is attached to this Trustee's Deed as Exhibit B; and

WHEREAS, at said sale Fifth Third Bank N.A. of Tennessee was represented and made a bid in the amount of Two Hundred Thirty-Four Thousand Nine Hundred Thirty-Two and 62/100 ($234,932.62) Dollars, which was proven to be the highest and best bid.

NOW, THEREFORE, inconsideration of the premises, the undersigned, J. Timothy Street, as Successor Trustee, does hereby grant, bargain, sale and convey to the said Fifth Third Bank N.A. of Tennessee, ("Grantee") in fee simple forever, the property above mentioned and now further described as being in the County of Davidson and State of Tennessee, to wit:

See Attached Exhibit A.

This conveyance is made subject to all unpaid taxes and to all other restrictions, easements and encumbrances of record, including but not limited to:

1. County taxes for the year 2006, an amount not yet due.
2. County taxes for the year 2005 in the amount of $5,621.28 through August 31, 2006, a lien past due.
3. County taxes for the year 2004 in the amount of $5,790.54 through August 31, 2006, a lien past due.
4. This property is encumbered by a lien or claim of lien filed by United States Internal Revenue Service in the Register's Office of Davidson County, Tennessee at Instrument No. 20050131-0011025. Notice of the Successor Trustee's foreclosure sale has been given to the Internal Revenue Service as provided for in 26 U.S.C. 7425(b). Sale of this property is subject to the

redemption rights held by the United States Internal Revenue Service, as set out in 26 U.S.C. 7425 (d)(1).

5. This property is encumbered by a lien or claim of lien filed by United States Internal Revenue Service in the Register's Office of Davidson County, Tennessee at Instrument No. 20050627-0073550. Notice of the Successor Trustee's foreclosure sale has been given to the Internal Revenue Service as provided for in 26 U.S.C. 7425(b). Sale of this property is subject to the redemption rights held by the United States Internal Revenue Service, as set out in 26 U.S.C. 7425 (d)(1).

6. Subject to Restrictive Covenants contained in Deed of record in Deed Book 10729, page 265, Register's Office for Davidson County, Tennessee.

7. Subject to any and all building and zoning regulations of City, County, and State.

8. Subject to all matters of public record.

TO HAVE AND TO HOLD, said tract of land together with all appurtenances, estate, title and interest thereunto belong to Fifth Third Bank N.A. of Tennessee, its successor and assigns, forever.

I, J. Timothy Street, as Successor Trustee, under said Deed of Trust of record at Deed Book 10729, page 273 and amended by Amendment of Deed of Trust at Instrument No. 20010122-0004057, Register's Office for Davidson County, Tennessee, do hereby transfer, assign and convey unto Fifth Third Bank N.A. of Tennessee, its successors and assigns, all of the right, title and interest in and to said property vested in me in which I have a right to transfer, in as full and ample manner as I as Successor Trustee under said Deed of Trust, can or should do, but not further or otherwise.

IN WITNESS WHEREOF, I have hereunto set my hand as Successor Trustee this

31st day of August, 2006.

J. Timothy Street, Successor Trustee
SUCCESSOR TRUSTEE

State of Tennessee)
County of Williamson)

Before me, the undersigned Notary Public, within and for the State and County aforesaid, personally appeared J. Timothy Street, the within named Successor Trustee, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal this 31st day of August, 2006.

VERONICA K SCHUPPAN STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

Veronica K Schuppan
Notary Public

My Commission Expires: 02/25/2009

I hereby swear or affirm that the actual consideration paid for this property is Two Hundred Thirty-Four Thousand Nine Hundred Thirty-Two and 62/100 ($234,932.62) 00/100 Dollars.

J. Timothy Street

Sworn to and subscribed before me this 31st day of August, 2006.

Julie Mogan
Notary Public

My Commission Expires: 3-21-09

NOTARY PUBLIC

EXHIBIT A

Land in Davidson County, Tennessee, being part of Tract No. 9 on the Plan of the G. W. Akenbauer Estate as divided in Chancery Court under Rule No. 65611 and described according to a survey dated November 28, 1972, made by Kohl-Coode and Associates, as follows:

Beginning at an iron pin on the westerly margin of 28th Avenue North, said point being south 34 degrees 10' West 200 feet from the southwest intersection of 28th Avenue, North and Clarksville Highway, said beginning point also being the southeast corner of Lot No. 1 on a plat showing a resubdivision of a part of Lot No. 9 of the G. W. Akenbauer Estate as of record in Book 4470, page 98, Register's Office for Davidson County, Tennessee; thence with said 28th Avenue North, South 34 degrees, 10' West 49.35 feet to an iron pin, the northeast corner of the property conveyed to Walter Reed Capps, et al by Deed of record in Book 3841, page 901, Register's Office for said County; thence along the line of said conveyance North 76 degrees 59' West 214.45 feet to an iron pin in the east line of the property conveyed to George Cole and wife, by deed of record in Book 3673, page 307, said Register's Office; thence with Cole's east line North 34 degrees 10' East 326.73 feet to an iron pin in the southerly margin of Clarksville Highway; thence with the margin of said South 55 degrees 50' East 140 feet to an iron pin in the northwest corner of said Lot No. 1; thence with Lot No. 1 South 34 degrees 10' West 200.0 feet to an iron pin; thence South 55 degrees 50' East 60 feet to the beginning.

Being the same property conveyed to Gareth S. Aden, Trustee, by Auto Clean Service Company by Deed of Trust dated December 20, 1972 and recorded at Book 4666, Page 270, Register's Office of Davidson County, Tennessee.

BEING part of Tract No. 9 on the plan of the G. W. Akenbauer Estate, as divided in Chancery Court under Rule No. 65611, and being No. 1 on the Resubdivision of part of Tract No. 9, G. W. Akenbauer Estate, of record in Book 4595, page 159, Register's Office for Davidson County, Tennessee, and described according to a plan made by the State of Tennessee, Department of Transportation, Bureau of Highways, known as Project No. 19037-2207-04, (28th Avenue, North).

Tract No. 1: BEGINNING at a point where the property line between John P. Brown, Jr., and the Chevron Oil Company intersects the present Westerly margin of 28th Avenue, North; thence North 74° 14' West 11.8 feet along said property line, to a point; thence North 36° 48' 58" East 54.9 feet along the new relocated Westerly margin of 28th Avenue, North,

to a point; thence South 53° 10' West 11.0 feet along the property line between Chevron Oil Company and Hugh H. Caldwell, et ux, to a point; thence South 36°48' 58" West 50.60 feet along the present Westerly margin of 28th Avenue, North, the point of beginning.

There is also hereby conveyed a temporary slope easement that extends 10 feet West of and parallel to the above-described new relocated West margin of 28th Avenue, North, said easement is to expire and become null and void upon completion of the construction of Project No. 19037-2207-04, 28th Avenue, North.

Tract No. 2: BEGINNING at a point where the property line between Hugh H. Caldwell, et ux and Chevron Oil Company intersects the present Southerly margin of Clarksville Highway; thence South 36°50' West 26.9 feet along said property line, to a point; thence Northwesterly 16.2 feet around a curve that has a 65.0-foot radius on the new relocated Southerly margin of said Highway, to a point; thence North 53°11' 02" West 124.00 feet along the new relocated Southerly margin of Clarksville Highway to a point; thence North 36° 50' East 25.00 feet along the property line between Chevron Oil Company and George Cole, et ux, to a point; thence South 53°11' 02" East 140.00 feet along the present Southerly margin of Clarksville Highway to the point of beginning.

BEING the same property conveyed to Abner Rodgers by deed from McDonald's Corporation, of record in Book 10729, page 265, Register's Office for Davidson County, Tennessee and being the same property conveyed in trust to Franklin National Bank, predecessor in interest to Fifth Third Bank N.A. of Tennessee by Deed of Trust of record at Deed Book 10729, page 273 and amended at Instrument No. 20010122-0004057, Register's Office for Davidson County, Tennessee.

JOHNSTON & STREET, PLLC

Attorneys at Law
236 Public Square, Suite 103
Franklin, Tennessee 37064

E. COVINGTON JOHNSTON, JR.
J. TIMOTHY STREET

Telephone (615) 791-1819
(615) 791-7855
Fax (615) 791-1418

June 29, 2006

Internal Revenue Service
Technical Support
JUL 5 - 2006
801 Broadway MDP53
Nashville, TN 37203

District Director
Internal Revenue Service
Attn: Chief Special Procedure Staff
P.O. Box 1107, MDP 31
Nashville, TN 37202

Internal Revenue Service
Technical Support
JUL 5 - 2006
801 Broadway MDP53
Nashville, TN 37203

CERTIFIED MAIL//RETURN RECEIPT REQUESTED

Re: ***Notice of Non-Judicial Sale***

Dear Sir:

In accordance with Section 7425(c)(1) of the Federal Tax Lien Act of 1996 (26 U.S.C.A. Section 7425(c)(1) and the regulations issued pursuant thereto, we hereby submit the following Notice of Non-Judicial sale.

Fifth Third Bank the owner of indebtedness secured by a lien by Deed of Trust filed for record under Deed Book 10729, page 273 in the Register's Office for Davidson County, Tennessee, has requested J. Timothy Street as Successor Trustee under the above mentioned Deed of Trust, to commence foreclosure proceedings under the power of sale contained and said Deed of Trust, default having been made in the payment of the sum secured thereby. A copy of the Deed of Trust is enclosed for your reference.

1. This Notice of Sale is submitted by J. Timothy Street, Attorney, Suite 103, 236 Public Square, Franklin, TN 37064.
2. A copy of the Notice of Federal Tax Lien filed under Instrument No. 20050131-0011025, in the foresaid Register's Office on January 31, 2005, and which effects the property to be sold, is attached hereto and made a part hereof.
3. A copy of the Notice of Federal Tax Lien filed under Instrument No. 20050627-0073550, in the foresaid Register's Office on January 31, 2005, and which effects the property to be sold, is attached hereto and made a part hereof.
4. The property to be sold is described as follows: See attached Exhibit A to the enclosed Deed of Trust. Being known as 2805 Clarksville Pike, Nashville, Tennessee.

EXHIBIT B

5. The sale will be held on July 31, 2006, commencing at 10:00 a.m. at the Gaylord Entertainment Center exterior entrance to the Office of the Davidson County Register of Deeds, said entrance being located at 501 Broadway, Nashville, Tennessee 37203.
6. Terms of sale: Cash.
7. The approximate amount of the principal obligation is Two Hundred Ten Thousand Five Hundred Ninety-Two and 23/100 ($210,592.23) Dollars together with accrued interest thereon from February 19, 2006, at the rate of 10.50 % per annum. Other expenses to be charged against the proceeds of sale pursuant to the terms and provisions of said Deed of Trust include advertisement, title examination, transfer taxes and recording fees, court costs and attorneys' fees.

Please accept this letter as the twenty-five (25) day notice required by Section 7425 of the Internal Revenue Code of 1986, as amended, which notice must be given to the Secretary of the Treasury or his or her delegate. Please advise me immediately of any deficiency or inadequacy in this notice.

A duplicate of this notice is enclosed, upon which we request that you acknowledge to the undersigned receipt of this notice.

Very truly yours,

J. Timothy Street
Attorney at Law

RECEIPT of this Notice of Non-Judicial Sale acknowledged this 5th day of July, 2006.

IRS / Technical Advisor

JTS/rs
Enclosure

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, D.C. 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

August 22, 2006

Johnston & Street, PLLC
236 Public Square, Suite 103
Franklin, TN 37064

Dear Mr. Street:

This is to acknowledge receipt of your correspondence dated June 29, 2006 regarding Abner and Mary Rodgers, 2805 Clarksville Pike, Nashville, TN 37218, TIN 414-74-6488. Your notice is considered adequate for a non-judicial sale under the provisions of Section 7425 of the Internal Revenue Code of 1986.

If the property is sold for more than the total due on the foreclosing instrument, any excess proceeds are subject to the lien(s) of the Internal Revenue Service. Send excess proceeds to the address shown below.

The Internal Revenue Service reserves its right to redeem real property. If you desire to submit an application for release of our right of redemption, you may request a copy of Publication 487, by calling 1-800-TAX-FORM. A payment may be required to secure a release.

We are enclosing a blank "Report Of Sale". Within fifteen (15) days from the day of sale, please complete the report and return it to the address on the Report of Sale. If the sale is canceled, please provide a brief explanation as to the reason.

If you have any questions, please contact James Kelley, badge number 62-09529, telephone number, (615)250-5403, fax to (615)250-6008, or write to 801 Broadway, MDP 53, Nashville, TN 37203. Thank you for your cooperation.

Sincerely,

Gwannette Claybrook
Technical Services Group Manager

Enclosure