Davidson County DEEDTRS
Recvd: 01/17/07 15:15 5 pgs
Fees:28.00 Taxes:16835.00
20070117-0007023

FROM: Marc T. McNamee

SUBSTITUTE TRUSTEE

TO: Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3

NEW OWNER

Address New Owner as Follows:	Send Tax Bills To:	Map-Parcel No:
Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3 c/o CWCapital Asset Management LLC 701 13th Street NW Suite 1000 Washington, DC 20005	SAME	10600012500

This instrument prepared by:

Neal & Harwell, PLC, 150 Fourth Avenue, North, Suite 2000, Nashville, Tennessee 37219

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is **$4,550,000.00**.

LISA K. BRIAN STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

, Substitute Trustee
AFFIANT

Subscribed and sworn to before me, this the 16th day of January, 2007.

Lisa K Brian
NOTARY PUBLIC

My Commission Expires: 5/23/2009

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust and Security Agreement dated October 20, 2004, of record as instrument 20041108-0134179, Register's Office for Davidson County, Tennessee, it having been assigned in instrument 20050223-0019638, said Register's Office, collectively hereinafter referred to as "Deed of Trust," Berkeley Ridge Nashville, LLC conveyed to Mark Lee, Trustee, the hereinafter described real estate, hereinafter referred to as "Property," to secure an indebtedness evidenced by a note of even date therewith, which note is fully described in the Deed of Trust, hereinafter referred to as the "Note"; and

WHEREAS, default having occurred in the payment of the Note, and in accordance with the terms of the Note and Deed of Trust, the holder thereof declared the entire indebtedness due and owing; and

WHEREAS, the lawful owner and holder of the indebtedness, by the terms of a certain instrument of record in Instrument 20060720-0087962, Register's Office for Davidson County, Tennessee, appointed Marc T. McNamee as Substitute Trustee, in the place and stead of Mark Lee, Trustee; and

WHEREAS, the owner and holder of the indebtedness directed Marc T. McNamee, Substitute Trustee, to sell the Property, and in accordance with the terms thereof, and pursuant to said direction, Marc T. McNamee, Substitute Trustee, did advertise the Property for sale as provided in the Deed of Trust and Note, and the Property was advertised to be sold at 10:00 a.m., on January 16, 2007, at the front steps of the entrance to the office of the Register of Deeds at 501 Broadway, Nashville, Davidson County, Tennessee, at public outcry, to the highest and best bidder for cash, free from the equity of redemption, homestead and dower, and all other exemptions of every kind, all of which are expressly waived in the Deed of Trust, and advertisement of sale was duly published in *The Nashville Record*, a newspaper of general circulation in Davidson County, Tennessee, on December 21, 2006, December 28, 2006 and January 4, 2007; and

WHEREAS, at the time and place of said sale, and upon the Property being offered under the terms hereinabove set forth, Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, acting through its Special Servicer, CWCapital Asset Management LLC, was the highest and best bidder, the Substitute Trustee thereby concluding the sale as of 10:45 a.m., by announcing that the Property had sold;

NOW, THEREFORE, the undersigned, Marc T. McNamee, Substitute Trustee, pursuant to the credit bid of Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, acknowledges the credit in the amount of **Four Million, Five Hundred Fifty Thousand Dollars ($4,550,000.00)**, against the indebtedness of the Note, which was the highest bid, and for and in consideration of said bid, has bargained and sold, and by these presents does hereby transfer and convey unto Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, its successors and assigns, the following described real estate in Davidson County, Tennessee:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 9, ON THE PLAN OF PLUS PARK SECTION 9 AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 4460, PAGE 113, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 54 OF HILL-N-DALE ACRES AS RECORDED IN BOOK 2900, PAGE 33 IN THE RECORDER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE, AND THE SOUTH WEST CORNER OF HOUSTON EZELL PROPERTY; THENCE SOUTH 05 DEGREES 28 MINUTES 06 SECONDS WEST, ALONG THE WESTERLY LINE OF LOTS 54 AND 53, A DISTANCE OF 183.64 FEET, TO THE NORTHEAST CORNER OF LOT 48 IN SAID HILL-N-DALE ACRES; THENCE SOUTH 68 DEGREES 28 MINUTES 23 SECONDS WEST, ALONG THE NORTHERLY LINE OF SAID LOT 48, A DISTANCE OF 311.41 FEET, TO NORTHERLY RIGHT-OF-WAY OF BUNKERHILL DRIVE; THENCE SOUTH 36 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 329.16 FEET, TO POINT ON NORTHERLY RIGHT-OF-WAY OF HAVENHILL DRIVE; THENCE SOUTH 37 DEGREES 21 MINUTES 52 SECONDS WEST, ALONG THE WESTERLY RIGHT-OF-WAY OF HAVENHILL DRIVE, A DISTANCE OF 53.75 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF HAVENHILL DRIVE; THENCE SOUTH 37 DEGREES 32 MINUTES 38 SECONDS WEST, A DISTANCE OF 305.91 FEET, TO A WESTERLY CORNER OF LOT 28 OF SAID HILL-N- DALE ACRES; THENCE SOUTH 04 DEGREES 08 MINUTES 15 SECONDS WEST, A DISTANCE OF 272.92 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF DEERVALE DRIVE; THENCE SOUTH 60 DEGREES 10 MINUTES 20 SECONDS EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DEERVALE DRIVE, A DISTANCE OF 164.45 FEET, TO THE NORTHWEST CORNER OF LOT 26 OF SAID HILL-N-DALE ACRES; THENCE SOUTH 29 DEGREES 49 MINUTES 25 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID LOT 26, A DISTANCE OF

275.95 FEET, TO THE SOUTHWEST CORNER. OF SAID LOT 26; THENCE SOUTH 5O DEGREES 40 MINUTES 28 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 26, A DISTANCE OF 93.40 FEET TO A POINT; THENCE SOUTH 24 DEGREES 32 MINUTES 29 SECONDS WEST, ALONG LOT 100 OF HILL-N-DALE SECTION 2 RECORDED IN BOOK 4175 PAGE 5 IN THE RECORDER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE, A DISTANCE OF 311.57 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF GIANT OAK DRIVE; THENCE SOUTH 04 DEGREES 13 MINUTES 40 SECONDS WEST, A DISTANCE OF 73.70 FEET, TO A POINT ON THE WESTERLY LINE OF LOT 99 OF SAID HILL-N-DALE SECTION 2; THENCE NORTH 87 DEGREES 43 MINUTES 20 SECONDS WEST, A DISTANCE OF 196.50 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PLUS PARK BOULEVARD; THENCE NORTH 01 DEGREES 18 MINUTES 44 SECONDS EAST, ALONG THE SAID RIGHT-OF-WAY, A DISTANCE OF 205.63 FEET TO A POINT; THENCE ALONG SAID RIGHT-OF-WAY, ALONG A CURVE WITH A RADIUS TO THE LEFT OF 340.34 FEET AND AN ARC LENGTH OF 231.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF NORTH 18 DEGREES 12 MINUTES 16 SECONDS WEST WITH A LENGTH OF 227.40 FEET TO A POINT; THENCE NORTH 37 DEGREES 43 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 162.88 FEET TO A POINT; THENCE ALONG SAID RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 292.33 FEET AND AN ARC LENGTH OFF 290.85 FEET SAID CURVE BEING SUBTENDED BY A CHORD BEARING 0F NORTH 09 DEGREES 13 MINUTES 06 SECONDS WEST WITH A LENGTH OF 279.00 FEET TO A POINT; THENCE NORTH 19 DEGREES 14 MINUTES 44 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 41.90 FEET TO A POINT; THENCE ALONG SAID RIGHT-OF-WAY, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 806.61 FEET AND AN ARC LENGTH OF 266.62 FEET SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF NORTH 09 DEGREES 46 MINUTES 34 SECONDS EAST WITH A LENGTH OF 265.41 FEET, TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY OF PARK PLUS BOULEVARD, SOUTH 89 DEGREES 41 MINUTES 36 SECONDS EAST, A DISTANCE OF 225.00 FEET, TO A POINT; THENCE NORTH 00 DEGREES 18 MINUTES 24 SECONDS EAST, A DISTANCE OF 225.00 FEET TO A POINT; THENCE NORTH 20 DEGREES 01 MINUTES 23 SECONDS EAST, A DISTANCE OF 220.01 FEET TO A POINT; THENCE NORTH 60 DEGREES 45 MINUTES 41 SECONDS EAST, A DISTANCE OF 500.84 FEET TO A POINT; THENCE NORTH 76 DEGREES 00 MINUTES 10 SECONDS EAST, A DISTANCE OF 100.07 FEET TO A POINT; THENCE NORTH 89 DEGREES 48 MINUTES 35 SECONDS EAST, A DISTANCE OF 204.31 FEET TO A POINT; THENCE NORTH 35 DEGREES 44 MINUTES 16 SECONDS EAST, A DISTANCE OF 60.93 FEET TO A POINT; THENCE SOUTH 68 DEGREES 39 MINUTES 27 SECONDS EAST, A DISTANCE OF 77.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.12 ACRES MORE OR LESS. BEING THE SAME PROPERTY CONVEYED TO BERKELEY RIDGE NASHVILLE, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY SPECIAL WARRANTY DEED FROM BERKELEY RIDGE REALTY CORP., A DELAWARE CORPORATION OF RECORD IN INSTRUMENT NO. 20041108-0134178, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

This is improved property known as 308 Plus Park Boulevard, Nashville, TN 37217.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, its successors and assigns, forever; and Marc T. McNamee, Substitute Trustee, does hereby transfer, assign, and set over unto Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, all of his right, title and interest in the said property as Substitute Trustee, but no further or otherwise.

Said sale is subject to the permitted encumbrances described in Exhibit "A" attached hereto.

CONCURRENT with the sale of the herein referenced Property, Marc T. McNamee, Substitute Trustee, acting for and under the instruction of the secured party also conducted a sale under the Uniform Commercial Code of certain personal property described in UCC Financing Statement of record as File Number 50857966 in the office of the Delaware Secretary of State, assigned to and held by Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3 in File No. 51169052, Delaware Secretary of State, and Instrument 20041108-0134181, of record in the Register's Office for Davidson County, Tennessee, assigned to and held by Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, by that certain instrument of record as Instrument 20050223-0019639, said Register's Office. Wells Fargo Bank N.A., as Trustee for the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-C3, through its Special Servicer, CWCapital Asset Management LLC, being the highest and best bidder, did also purchase the personal property referenced herein, and Marc T. McNamee, Substitute Trustee acting for and under the instruction of the secured party, for the same good and valuable consideration, does by these presents hereby sell, transfer, assign and set over all of the secured party's right, title and interest in and to said personal property, but not further or otherwise.

IN WITNESS WHEREOF, the said Marc T. McNamee, Substitute Trustee, has executed this instrument on this the 16th day of January, 2007.

Substitute Trustee

MARC T. MCNAMEE , SUBSTITUTE 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 Marc T. McNamee, Substitute Trustee, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained in his capacity as Substitute Trustee.

Witness my hand and seal, at office in Nashville, Tennessee, this the 16th day of January, 2007.

Lisa K. Brian

NOTARY PUBLIC

My Commission Expires: 5/23/2009

LISA K. BRIAN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

Berkeley

EXHIBIT A
PERMITTED ENCUMBRANCES

Any lien for services, labor, or materials in connection with improvements, repairs or renovations not shown by the public records.

Taxes and assessments for the year 2006 and prior years now due and payable.

Any discrepancies or conflicts in boundary lines, any shortages in area, or any encroachment or overlapping of improvements.

Easements, liens, encumbrances, or claims thereof, which are not shown by the public record.

All matters as shown on the plat of record in Plat Book 4460, page 113, Register's Office for Davidson County, Tennessee.

All of the terms and provisions set forth and contained in that certain Lease between NHP Summit, L.P., a Delaware limited partnership, Lessor, and Web Service Company, Inc., Lessee, a memorandum of which is recorded in Book 10788, page 490.

Easement(s) of record in Book 11014, page 872, as re-recorded in Book 11038, page 852 in the Register's Office, Davidson County, Tennessee .