PICK-UP

Davidson County DEEDTRS
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20070326-0036295

This Instrument prepared by:
Bone McAllester Norton PLLC (TRM)
511 Union Street, Suite 1600
Nashville, TN 37219

# CANCELLATION AND RESCISSION OF FORECLOSURE SALE AND TRUSTEE'S DEED AND RESTORATION OF RECORD

**WHEREAS,** John H. Heidelberg (also known as John H. Heidleberg), executed a Deed of Trust dated September 25, 2003 to FMLS, Inc., Trustee, of record at Instrument No. 20031017-0154040, Register's Office for Davidson, Tennessee to secure certain indebtedness to AmSouth Bank ("Deed of Trust"); and

**WHEREAS,** default occurred on the indebtedness secured by the Deed of Trust and Sam J. McAllester III, J. Evan Gower, and Gregory G. Vick were appointed Substitute Trustees by an Instrument of record at Instrument No. 20061024-0131681, said Register's Office, with the power given to Trustee as stated in said Deed of Trust; and

**WHEREAS,** Regions Bank is the successor by merger to AmSouth Bank; and

**WHEREAS,** as a result of certain defaults under the indebtedness secured by the Deed of Trust, Sam J. McAllester III, in his capacity as Substitute Trustee, caused to be published a Foreclosure Sale Notice which set the Foreclosure Sale for 10:30 a.m., prevailing time, on February 16, 2007, at the entrance to the office of the Davidson County Register of Deeds, Gaylord Entertainment Center, 501 Broadway, Nashville, Davidson County, Tennessee, ("Foreclosure Sale"); and

**WHEREAS,** pursuant to the Foreclosure Sale Notice, the Foreclosure Sale was conducted on February 16, 2007, and AmSouth Bank was the successful purchaser for the sum of $109,725.66 and by Trustee's Deed dated February 16, 2007, of record at Instrument No. 20070316-0032517, Register's Office for Davidson County, Tennessee, and Sam J. McAllester III, as Substitute Trustee, conveyed said real property to Regions Bank ("Trustee's Deed"); and

**WHEREAS,** after the Foreclosure Sale, Sam J. McAllester III, in his capacity as Substitute Trustee learned that proper notice may not been made pursuant to T.C.A. §35-5-101 *et seq.* and

**WHEREAS,** in order to restore the Register's record back to its previous position prior to the Foreclosure Sale, by this Instrument, Sam J. McAllester III, as Substitute Trustee, and Regions Bank as successful purchaser, hereby cancel and rescind the Foreclosure Sale, reinstate the Deed of Trust and cancel and rescind the resulting Trustee's Deed.

**NOW, THEREFORE,** Regions Bank, successor by merger to AmSouth Bank, as the owner and holder of the Property by the Trustee's Deed, and Sam J. McAllester III, Substitute Trustee, hereby give notice that the Foreclosure Sale and the execution and recording of the Trustee's Deed are hereby cancelled and rescinded; and that Regions Bank, successor by merger to AmSouth Bank and Sam J. McAllester III, as Substitute Trustee hereby cancel and rescind the

Trustee's Deed and give notice that the Trustee's Deed is of no further force and effect as of the date and time of its execution and recording; and Regions Bank, successor by merger to AmSouth Bank and J Sam J. McAllester III, as Substitute Trustee, hereby give notice and restore the Register's record as if the Foreclosure Sale and subsequent recording of the Trustee's Deed had not occurred and reinstate the Deed of Trust as it existed prior to the Foreclosure Sale.

**IN WITNESS WHEREOF**, Sam J. McAllester III, Substitute Trustee and Regions Bank, successor by merger to AmSouth Bank, execute this Instrument effective the 26th day of March, 2007.

Sam J. McAllester III, Substitute Trustee, and
Not Individually

STATE OF TENNESSEE )
)
COUNTY OF Davidson )

Before me, Tonya R. Mastin of the state and county aforementioned, personally appeared Sam J. McAllester III, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Substitute Trustee, the within named bargainor, and that he as such Substitute Trustee, executed the foregoing instrument for the purpose therein contained.

Tonya R. Mastin
NOTARY PUBLIC

TONYA R. MASTIN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TN

My Commission Expires: My Commission Exp. May 24, 2008

REGIONS BANK, successor by merger to
AMSOUTH BANK

By: Angie Dellinger

Title: Vice President

STATE OF ALABAMA )
)
COUNTY OF SHELBY )

Before me, Dari Michele Guthrie, of the state and county aforementioned, personally appeared Angie Dellinger with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be the Vice President of Regions Bank, successor by merger to AmSouth Bank, the within named bargainor, a corporation, and that he/she as such Vice President executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/herself as Vice President.

Dari michele Guthrie
NOTARY PUBLIC

My Commission Expires: 01/05

