Davidson County AFFIDAVIT
Recvd: 04/30/07 08:48 2 pgs
Fees:12.00 Taxes:0.00
20070430-0050798

This Instrument Prepared by:
Wilson & Associates, P.L.L.C.
1521 Merrill Drive, Suite D-220
Little Rock, AR 72211
(501) 219-2388

AFFIDAVIT TO RESCIND TRUSTEE'S SALE

STATE OF ARKANSAS
COUNTY OF PULASKI

BEFORE ME, the undersigned authority, on this 19th day of April, 2007, personally appeared Samuel S. High, who acknowledged himself to be an Attorney of Wilson & Associates, P.L.L.C. for the limited purpose of foreclosing the Deed of Trust stated below on behalf of Fairbanks Capital Corp., and who after being duly sworn, deposed and stated:

THAT default occurred in the performance of the covenants, terms, and conditions of a Deed of Trust dated January 3, 2000 and recorded on January 12, 2000 as Instrument No. 20000112-0004235 in the Registers Office of Davidson county, Tennessee executed by Valarie D. Brown and delivered to Title Enterprises Service Company, LLC, a Tennessee Corporation as Trustee for Laguna Capital Mortgage Corporation, a California Corporation.

THAT the current holder of the indebtedness secured by said Deed of Trust, Fairbanks Capital Corp., offered the subject property for sale to the highest bidder on or about April 18, 2007 at 10:00 a.m. at the Gaylord Entertainment Center, 501 Broadway, Nashville, Tennessee, to wit:

> A certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to-wit: Beginning at a point in the Southerly margin of Kings Lane at the dividing line between Lots Number 218 and 219 on said plan, thence, Southerly along said dividing line 92.76 feet to a concrete marker, thence Easterly 123 feet to a point in the Westerly margin of Haynes Park Drive; thence, Northerly along the Westerly margin of said Haynes Park Drive 57.42 feet to the beginning of a curve; thence, around said curve a distance of 39.34 feet to a point in the Southerly margin of Kings Lane; thence, Westerly along the Southerly margin of Kings Lane 97.72 feet to the point of beginning. Being the same property conveyed to Valarie D. Brown from Ronald W. Brown by Quitclaim Deed dated February 12, 1999, recorded February 16, 1999, Book 11342, Page 71, in the Register's Office for Davidson County, Tennessee. Said Deed also acquired in Book 5049, Page 547 Register's Office for said County.
>
> Commonly known as: 3321 Kings Lane, Nashville, Tennessee 37218.
>
> Tax Parcel No.: 058-16-0 102.00

THAT at such time, an agent of Fairbanks Capital Corp., struck off and sold the subject property to a third party at and for the sum of $54,022.00, that being the highest and best bid offered.

THAT subsequent to said sale, sufficient conditions arose to warrant the rescission of the sale and restoration of the subject property to its former state.

THAT the Deed of Trust are hereby ratified and reformed to their former status.

THAT Fairbanks Capital Corp. thus hereby rescinds the foreclosure sale.

FURTHER, Affiant sayeth not.

WILSON & ASSOCIATES, P.L.L.C.

By:_____
Samuel S. High (AR Bar 2001-2005)

ACKNOWLEDGEMENT

Before me, the undersigned, personally appeared Samuel S. High, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath acknowledged such person to be an officer authorized to execute the instrument of Fairbanks Capital Corp., and whose name is subscribed to the foregoing instrument, and who acknowledges that the contents of said Affidavit were true and correct and that the Affidavit was executed for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 19 day of Apr, 2007.

Lena M. Nagle
Notary Public

My Commission Expires:

_____

Lena M. Nagle
NOTARY PUBLIC
Pulaski County, Arkansas
My Commission Exp. 8-10-2011

W&A No. 845-39268