PREPARED BY AND RETURN TO:
Joe M. Kirsch, Attorney
6055 Primacy Parkway, Suite 410
Memphis, TN 38119
901-767-5566
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Davidson County DEEDTRS
Recvd: 10/24/08 15:45 2 pgs
Fees:13.00 Taxes:357.98
20081024-0106772

Name: Catherine S. Charlton and Richard L. Charlton
S&K#: 07-16735

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated December 29, 2004, recorded in Instrument number 20050105-0001620 in the Register's Office of Davidson County, Tennessee, Catherine S. Charlton and Richard L. Charlton, wife and husband, conveyed to Tonya Esquibel, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and,

WHEREAS, the holder of the debt secured appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20081009-0102396 in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS in pursuance of said request by said beneficiary, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of sale Deed of Trust by which advertisement the sale was appointed to be held on October 15, 2008, at the Davidson County Courthouse in Nashville, Tennessee, at 10:00 AM; and,

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which time the said property was struck off and sold to James Deatrick Jr. and Marty L. Penix whose address is 1285 North Mount Juliet Road, Mount Juliet, TN 37122, at and for the sum of $96,751.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, James Deatrick Jr. and Marty L. Penix has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by James Deatrick Jr. and Marty L. Penix, the sum of money so paid, receipt of which is hereby acknowledged, the undersigned, Shapiro & Kirsch, LLP., as Substitute Trustee, does hereby grant, bargain, sell and convey to the said James Deatrick Jr. and Marty L. Penix, their heirs, successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Antioch, County of Davidson, State of Tennessee, to-wit:

Described property located in Davidson County, Tennessee, to wit:

Unit 215, Hamilton Crossings Townhomes, a Planned Unit Development, of record in Instrument 20040212-0016945, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

This legal description is identical with that in Deed of Trust recorded in Instrument number 20050105-0001620, in the Register's Office of Davidson County, Tennessee.

The grantor received title to the above-captioned real estate by Deed of Trust of record in Instrument number 20050105-0001620, in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument number 20050105-0001620, in the Register's Office for Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements, State and Federal tax liens.

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto James Deatrick Jr. and Marty L. Penix, their heirs, successors and assigns, in fee simple forever, to whom the said Shapiro & Kirsch, LLP., Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP, Substitute Trustee, has hereunto set his hand and seal on the date written below.

Shapiro & Kirsch, LLP

Ashley M. Jones, Authorized Agent

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 22 day of October, before me, a Notary Public, in and for said State and County, personally appeared Ashley M. Jones, with whom I am personally acquainted, and who, upon oath acknowledged to be an Authorized Agent of Shapiro & Kirsch, L.L.P. the within named bargainor, a limited liability partnership, and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Partnership.

WITNESS my hand and Notarial Seal at office the day and year above written.

MARY VIRGINIA MILLER
STATE OF TENNESSEE NOTARY PUBLIC
Shelby County
My Comm. Exp. 12-13-08

12-13-08
My commission expires:

Mary Virginia Miller
Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $96,751.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me on the 23, day of October, 2008.

Barbara C. Parrish
Notary Public
expires 3-

BARBARA C. PARRISH
NOTARY PUBLIC AT LARGE
WILSON CO. TENN

PROPERTY ADDRESS: 3001 Hamilton Church Road, Antioch, TN 37013

RETURN TO:
PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES
James Deatrick Jr. and Marty L. Penix
1285 North Mount Juliet Road, Mount Juliet, TN 37122

S & K #:07-16735
Map & Parcel – 163.04-215.00

PREPARER'S NOTE: IT IS THE GRANTEE'S RESPONSIBILITY TO RECORD THIS INSTRUMENT. FAILURE TO DO SO MAY ADVERSELY AFFECT TITLE OR INTEREST.