This instrument prepared by:
J. PHILLIP JONES
ATTORNEY AT LAW
SUITE C-205, NASHVILLE HOUSE
ONE VANTAGE WAY
NASHVILLE, TN 37228
PARCEL ID: 087 05 0A 031.00
5914 COLCHESTER DRIVE
HERMITAGE, TENNESSEE 37076

NO MORTGAGE
New Owner - Send Tax Bills:
***MARTY PENIX**
1285 NORTH MT. JULIET ROAD
MT. JULIET, TN 37122

Davidson County DEEDTRS
Recvd: 12/15/08 13:43 2 pgs
Fees:13.00 Taxes:376.02

PICK-UP

20081215-0120073

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, on **JUNE 30, 2005, NLC, INC.,** was named Trustee in a Deed of Trust of even date executed by **JEFF HORVATH AND JUNE HORVATH, HUSBAND AND WIFE,** conveying to them as Trustee the real estate hereinafter described, said Deed of Trust being executed to secure the payment of **$107,900.00,** principal and interest at **8.515%** per annum on the unpaid balance, said Deed of Trust being recorded in **INSTRUMENT NO. 20050805-0092328,** in the Register's Office for **DAVIDSON** County, Tennessee; and

WHEREAS, **J. PHILLIP JONES OR I. DYKE TATUM, EITHER OF WHOM MAY ACT,** was appointed Substitute Trustee under said Deed of Trust by instrument of record in **INSTRUMENT NO. 20081028-0107437,** in the Register's Office for **DAVIDSON** County, Tennessee; I, **J. PHILLIP JONES,** Substitute Trustee, at the request of the holder of said indebtedness, and under and by virtue of the powers vested in me as such Substitute Trustee in said Deed of Trust advertised the said real estate as required by law, and by the terms of said Deed of Trust by giving twenty-one (21) days notice by three (3) successive publications, namely: **NOVEMBER 7, 2008/NOVEMBER 14, 2008/NOVEMBER 21, 2008** in **DAVIDSON A.M.,** a newspaper of general circulation in **DAVIDSON** County, Tennessee, said sale to be for cash and in bar of the equities of redemption, dower and homestead, as provided in said Deed of Trust.

PURSUANT to said advertisement on **FRIDAY, DECEMBER 5, 2008, AT 3:00 P.M. (LOCAL TIME), ON THE SECOND FLOOR MEZZANINE (ENTER THE FRONT DOOR FACING THE NEW PUBLIC SQUARE PARK), OF THE HISTORIC DAVIDSON COUNTY COURTHOUSE, ONE PUBLIC SQUARE, IN NASHVILLE, DAVIDSON COUNTY, TENNESSEEE,** I, **J. PHILLIP JONES,** individually or by and through his agent, as said Substitute Trustee, offered for sale at public outcry to the highest and best bidder, the real estate hereinafter described for cash and in bar of the herein above mentioned equities as provided in said Deed of Trust, at which time **MARTY PENIX, A ONE-HALF UNDIVIDED INTEREST, AND JAMES DEATRICK, JR., A ONE-HALF UNDIVIDED INTEREST, 1285 NORTH MT. JULIET ROAD, MT. JULIET, TENNESSEE 37122,** submitted the highest and best bid in the amount of **$101,626.00.**

NOW THEREFORE, in consideration of the premises, I, **J. PHILLIP JONES,** Substitute Trustee, do hereby sell, transfer and convey to **MARTY PENIX, A ONE-HALF UNDIVIDED INTEREST, AND JAMES DEATRICK, JR., A ONE-HALF UNDIVIDED INTEREST,** its successors and assigns in fee simple, and in bar of all equities above mentioned, the following described real property, to-wit:

PROPERTY LOCATED IN THE COUNTY OF DAVIDSON, TENNESSEE:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 31 ON THE PLAN OF FARMINGHAM (ERRONEOUSLY REFERRED TO AS FRAMINGHAM IN PRIOR LEGAL DESCRIPTION) WOODS, PHASE 1, OF RECORD IN BOOK 7900, PAGE 228, SAID REGISTER'S OFFICE.

SAID LOT NO. 31 FRONTS 43.00 FEET ON THE NORTHERLY MARGIN OF COLCHESTER DRIVE AND EXTENDS BACK 125.00 FEET ON THE WESTERLY LINE AND 125.00 FEET ON THE EASTERLY LINE TO A DEAD LINE REAR MEASURING 43.00 FEET THEREON.

BEING THE SAME PROPERTY CONVEYED TO JEFF HORVATH BY DEED DATED JUNE 29, 2005 OF RECORD IN INSTRUMENT NO. 20050805-0092327 IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

THIS IS IMPROVED PROPERTY KNOWN AS 5914 COLCHESTER DRIVE, HERMITAGE, TENNESSEE 37076.

I, **J. PHILLIP JONES**, Substitute Trustee, convey to **MARTY PENIX, A ONE-HALF UNDIVIDED INTEREST, AND JAMES DEATRICK, JR., A ONE-HALF UNDIVIDED INTEREST,** all the rights conveyed to me as said Substitute Trustee in said Deed of Trust, including such covenants and warranties as I, as such Substitute Trustee, may lawfully make, all my actions in the premises being solely as Substitute Trustee and not otherwise under the power vested in me under said Deed of Trust herein above referred to and not as an individual.

Witness my hand and official seal at Nashville, Tennessee, on **DECEMBER 12, 2008.**

J. PHILLIP JONES
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, **J. PHILLIP JONES**, Substitute Trustee, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office at Nashville, Tennessee on **DECEMBER 12, 2008.**

Notary Public

My Commission Expires: 5/2/2011

MELISSA BIDDLE STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires May 2 2011

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater for this transfer is **$101,626.00.**

Affiant

Subscribed and sworn to before me, this **12TH day of DECEMBER, 2008.**

Notary Public

My Commission Expires: 5/2/2011

MELISSA BIDDLE STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires May 2 2011