Davidson County DEEDTRS
Recvd: 01/09/09 08:51 2 pgs
Fees:13.00 Taxes:319.44
20090109-0002183

Prepared by:
Nashville Title Insurance Corporation
2818 Bransford Avenue
Nashville, TN 37204

**ADDRESS OF NEW OWNER:**
Thomas F. Cone
6185 Cockrill Bend Circle
Nashville, TN 37209

**SEND TAX BILL:**
SAME

**MAP & PARCEL:**
120-02-0-023.00

# SUBSTITUTE TRUSTEE'S DEED

WHEREAS, Joseph Giampapa, by Deed of Trust dated May 25, 2005, of record at Instrument No. 20050602-0062389, Register's Office for Davidson County, Tennessee ("Deed of Trust"), conveyed to Nashville Title Insurance Corporation, Trustee certain property described in said Deed of Trust (hereinafter the Property"), said Deed of Trust being filed for record at Instrument No. 20050602-0062389, Register's Office for Davidson County, Tennessee (hereinafter referred to as Deed of Trust"); and

WHEREAS, a Substitute Trustee has been appointed by the lawful owner and holder of the indebtedness secured by the Deed of Trust, said appointment being filed for record at Instrument No. 20080722-0075158, Register's Office for Davidson County, Tennessee; and

WHEREAS, the indebtedness secured by the Deed of Trust has become overdue and unpaid and the lawful owner and holder of the debt has called upon the Substitute Trustee to foreclose the Deed of Trust; and

WHEREAS, the Substitute Trustee, after due advertisement as required by law and as required be the terms of the Deed of Trust, offered the Property for sale to the highest bidder for cash, at public outcry at 12:00 p.m., on December 31, 2008, at the 501 Broadway, Nashville, Davidson County, Tennessee when and where **Thomas F. Cone** (hereinafter the Grantee) became the last and highest bidder for cash at a price of **Eight-six thousand three hundred thirty-three and 97/100 Dollars ($86,333.97).**

NOW, THEREFORE, in his capacity as Substitute Trustee, and not otherwise, and in consideration of the premises and payment of the sum state above, the receipt and sufficiency of which are acknowledged, **Andy Maloney, as Substitute Trustee** (and not otherwise) does hereby convey the Property to the Grantee and the Grantee's heirs, successors and assigns.

TO HAVE AND TO HOLD said Property in as full and complete manner as the undersigned, in his capacity as Substitute Trustee, and not otherwise, has the power to convey the same.

**Andy Maloney, as Substitute Trustee, and not otherwise, warrants the title to the Property to the Grantee and Grantee's heirs, successors and assigns, against the lawful claims of all persons claiming by, through or under him, but no further to or to any greater extent. The Property is sold AS IS, WHERE IS AND WITH ALL FAULTS, and without any representations or warranties of any kind whatsoever, whether express or implied. Without limiting the foregoing, THE PROPERTY IS TO BE SOLD WITHOUT ANY IMPLIED WARRANTIES OF MECHANTABILITY, CONDITION OR FITNESS FOR A PARTICULAR USE OR PURPOSE. The Substitute Trustee will make no covenant of seisen, marketability of title or warranty of title, express or implied.**

THIS conveyance is subject to all matters shown on any applicable recorded Plat or Plan; any unpaid taxes and assessments (plus penalties. interest and costs) which exists as a lien against the said Property; any restrictive covenants, easements or setback lines that may be applicable; any rights of redemption, equity, statutory or otherwise, not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal; and any and all prior deeds of trusts, liens, dues, assessments, encumbrances, defects, adverse claims and other matters that may take priority over the Deed of Trust upon which this foreclosure sale

is conducted or are not extinguished by this Foreclosure Sale. This sale is also subject to any matter that an inspection sad accurate survey of the property might disclose.

Whenever used, the singular shall mean the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS my hand on this 31st day of December, 2008.

Andy Maloney, as Substitute Trustee,
and not otherwise

STATE OF TN.

COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said State and County duly commissioned and qualified, the within named Andy Maloney, 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 is the appointed Substitute Trustee under the Deed of Trust and as such Substitute Trustee is authorized to execute this instrument for the purposes therein contained.

WITNESS my hand, at office, this 7th day of January, 20 09.

Elizabeth Maison
Notary Public

My Commission Expires: 4-15-12

ELIZABETH MAISON
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY

STATE OF TN.

COUNTY OF Davidson

The actual consideration or value, whichever is greater, for this transfer is $86,333.97.

AFFIANT

Sworn and subscribed before me this 7th day of January, 2009.

Elizabeth Maison
Notary Public

My Commission Expires: 4-15-12

ELIZABETH MAISON
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY