This Instrument Prepared by:
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Davidson County DEEDTRS
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AFFIDAVIT TO RESCIND TRUSTEE'S SALE

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, the undersigned authority, on this 17th day of February, 2009, personally appeared Ashley Jones, who acknowledged themselves to be an Attorneys of Shapiro & Kirsch, LLP for the limited purpose of foreclosing the Deed of Trust stated below on behalf of Deutsche Bank National Trust Company, as trustee for the Encore Credit Receivables Trust 2005-4, and who after being duly sworn , deposed and stated:

THAT default occurred in the performance of the covenants, terms, and conditions of a note dated September 30, 2005 and recorded in Instrument Number 20051019-0125974, in the Register's Office of Davidson County, Tennessee, Lewis Buddy Hyatt, unmarried conveyed to Walter H. Neilson, as Trustee for Encore Credit Corp.

THAT the current holder of the indebtedness secured by said Deed of Trust, Deutsche Bank National Trust Company, as trustee for the Encore Credit Receivables Trust 2005-4 offered the subject property for sale to the highest bidder on or about September 10, 2008 at the Davidson County Courthouse in Tennessee, to wit:

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

Lot Number 5 on the Plan of Section One, Vantage Pointe, as of record in Instrument Number 20031017-0154221, in the Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description thereof.

Commonly known as: 1329 Goodmorning Drive, Nashville, TN 37207

Tax Parcel No.: 041.03-0A-005.00

THAT as such time, agent of Deutsche Bank National Trust Company, as trustee for the Encore Credit Receivables Trust 2005-4 struck off and sold the subject property to Deutsche Bank National Trust Company, as trustee for the Encore Credit Receivables Trust 2005-4 at and for the sum of $124,467.99 that being the highest and best bid offered as evidenced in Substitute Trustees Deed of record at Instrument Number 20080924-0097014

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

THAT The Deutsche Bank National Trust Company, as trustee for the Encore Credit Receivables Trust 2005-4 thus hereby rescinds the foreclosure sale and Trustee's Deed.

FURTHER, Affiant sayeth not.

SHAPIRO & KIRSCH, LLP

By: Ashley M Jones

ACKNOWLEDGEMENT

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned notary public of the state and county aforesaid, personally appeared Ashley Jones, 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 a Director (or other such officer authorized to execute the instrument) of Shapiro & Kirsch, LLP, and that such officer executed the foregoing instrument for the purposes therein contained by personally signing his name thereto.

Witness my hand and seal at office in Memphis, Tennessee the February 17, 2009

Travis Scaggs
Notary Public

2-1-2012
My Commission Expires

TRAVIS SCAGGS
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Commission Expires 02/01/2012