THIS INSTRUMENT PREPARED BY:
CHAFFIN, BURNSED & SMITH, PLLC
One American Center
3100 West End Avenue, Suite 550
Nashville, Tennessee 37203

Davidson County DEEDTRS
Recvd: 02/26/09 14:49 7 pgs
Fees:38.00 Taxes:3330.00
20090226-0017051

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL:
The Bank of Nashville 401 Church Street Nashville, Tennessee 37219-0376	SAME	082-09-0 77 & 78

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, there has occurred one or more acts of default in the note evidencing the indebtedness owed to The Bank of Nashville ("Lender");

WHEREAS, Lender is the beneficiary of the Construction Deed of Trust of record in Instrument Number 20050407-0038335, Register's Office for Davidson County, Tennessee (hereinafter referred to as "Deed of Trust"); said Deed of Trust secures to the Lender the payment in full of the note evidencing the subject indebtedness and any other obligations then existing or arising thereafter;

WHEREAS, by and through the above described Deed of Trust, the grantor, New Urban Construction Company, LLC, [the "Borrower"], conveyed the real property described herein to William W. Winfree, Trustee, for the benefit of the Lender, with power of sale;

WHEREAS, the Lender, pursuant to the terms and conditions of the above Deed of Trust, did appoint R. Garry Chaffin as Substitute Trustee, to serve in the stead of the Trustee with all powers granted unto the Trustee, such appointment appearing of record in Instrument Number 20090120-0004821, Register's Office for Davidson County, Tennessee;

WHEREAS, Lender notified the Substitute Trustee of the default in the payments called for in the note secured by the above Deed of Trust and demanded that the Substitute Trustee advertise the subject property for sale pursuant to the terms and conditions of the said Deed of Trust;

WHEREAS, the Substitute Trustee did advertise the property for sale in the "The Nashville City Paper" on January 26, 2009, February 2, 2009 and February 9, 2009, in accordance with and in fulfillment of the requirements of the above Deed of Trust;

WHEREAS, the Substitute Trustee and/or her agent, in accordance with the requirements of the above Deed of Trust and the published advertisement for sale of the subject property, did on the 16th day of February, 2009 appear and conduct the sale of the herein described property;

WHEREAS, The Bank of Nashville did place the highest bid for the subject property, being the sum of $900,000.00; and

NOW THEREFORE, for and in consideration of the sum of $900,000.00, the Substitute Trustee has bargained and sold, and by these present does transfer and convey unto the said Bank of Nashville, the Grantee herein, its successors and assigns, the property described as follows:

Being tracts of land lying in the 5th Civil District, Davidson County, Tennessee, said tracts formerly being the property of Werthan Packaging Inc. as recorded in Book 7741, page 757, and being lots 1, 2, 3, 20, 21 and the southeasterly part of lot 19 and the northerly part of lot 45 as shown in Plat Book 2, Page 30, Chancery Court for Davidson County, Tennessee. Said portions being bounded as follows:

On the north by the lands of the City of Nashville, Morgan Park, Book 410, page 251;
On the east by the western right-of-way of Fourth Avenue North;
On the south by the northern right-of-way of Van Buren Street; and
On the west by the eastern right-of-way of Fifth Avenue North.
Except as noted, all references made herein are of the Register's Office, Davidson County, Tennessee. Said tracts being more particularly described as follows:

Tract I:

Beginning at an axle found in the eastern right of way of Fifth Avenue North, said axle being 176.35 feet north of the northeast right-of-way corner of Van Buren Street and Fifth Avenue North, and being the northwest corner of this tract, and the southwest corner of Morgan Park, thence with the south line of Morgan Park, N 63° 32' 08" E, 172.34 feet to an iron pin set in the western margin of a 16-foot wide alley (not in use); thence, with said alley, S 26° 42' 54" E, 127.80 feet to an iron pin set in the northern right-of-way of Van Buren Street, said pin being the southeast corner of this tract; thence, with said right-of-way, S 47° 51' 02" W, 179.59 feet to an iron pin set, said pin being the northeast right-of-way corner of Van Buren Street and Fifth Avenue North, and being the southwest corner of this tract; thence with the eastern right-of-way of Fifth Avenue North, N 26° 27' 52" W, 176.35 feet to the point of beginning, containing 26,258 square feet or 0.603 acres, more or less, based on a survey by S.E.C., Inc., dated 1-03-03.

Tract II:

Beginning at an iron pin set at the northwest right-of-way corner of Van Buren Street and Fourth Avenue North, said pin being the southeast corner of this tract, thence with the northern right-of-way of Van Buren Street, S 47° 51' 02" W, 179.59 feet to an iron pin set in the eastern margin of a 16-foot wide alley, (not in use); thence, with said alley, N 26° 42' 54" W, 122.00 feet to an iron pin set in the south line of Morgan Park; thence with said south line, N 63° 01' 24" E, 1.80 feet to an iron pin set; thence with a curve to the left, having a radius of 1,225.28 feet, an arc length of 52.63 feet, and a chord bearing and distance of N 56° 54' 49" E, 52.63 feet to an iron pin set; thence with a curve to the left, having a radius of 158.57 feet, an arc length of 82.15 feet, and a chord bearing and distance of N 45° 31' 48" E, 81.24 feet to an iron pin set; thence, N 31° 24' 00" E, 38.11 feet to an iron pin set; thence, N 63° 01' 24" E, 9.79 feet to an iron pin set in the western right-of-way of Fourth Avenue North, said pin being the southeast corner of Morgan Park and the northeast corner of this tract; thence with said right-of-way, S 26° 28' 59" E, 125.00 feet to the point of beginning, containing 20,069 square feet or 0.461 acres, more or less, based on a survey by S.E.C., Inc. dated 01-03-03.

Tract III:

Beginning at an iron pin set in the eastern right-of-way of Fourth Avenue North, said pin being 108.79 feet north of the northeast right-of-way corner of Van Buren Street and Fourth Avenue North, and being the southwest corner of this tract, thence with the eastern right-of-way of Fourth Avenue North, N 26° 28' 59" W, 31.21 feet to an iron pin set; thence leaving said right-of-way, N 47° 28'48" E, 50.00 feet to an iron pin set; thence, S 26° 28' 58" E, 31.21 feet to an iron pin set; thence, S 47° 28' 47" W, 50.00 feet to the point of beginning, containing 1,500 square feet or 0.034 acres, more or less, based on a survey by S.E.C., Inc., dated 1-03-03.

Being the same property conveyed to New Urban Construction, LLC, a Tennessee limited liability company, by deed from Anthony L. Werthan of record in Instrument No. 20050407-0038334, Register's Office for Davidson County, Tennessee.

LESS AND EXCEPT THE FOLLOWING TRACTS AND/OR UNITS:

1. Tract III:

Beginning at an iron pin set in the eastern right-of-way of Fourth Avenue North, said pin being 108.79 feet north of the northeast right-of-way corner of Van Buren Street and Fourth Avenue North, and being the southwest corner of this tract, thence with the eastern right-of-way of Fourth Avenue North, N 26° 28' 59" W, 31.21 feet to an iron pin set; thence leaving said right-of-way, N 47° 28' 48" E, 50.00 feet to an iron pin set; thence, S 26° 28' 58" E, 31.21 feet to an iron pin set; thence, S 47° 28' 47" W, 50.00 feet to the point of beginning, containing 1,500 square feet or 0.034 acres, more or less, based on a survey by S.E.C., Inc., dated 1-03-03.

Being part of the same property conveyed to New Urban Construction, LLC, a Tennessee limited liability company, by deed from Anthony L. Werthan of record in Instrument No. 20050407-0038334, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Lien as to Certain Land of record in Instrument No. 20050721-0085297, Register's Office for Davidson County, Tennessee.

2. Unit 406, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 406, Morgan Park Place Condominiums, as established under Master Deed of record in Instrument No. 20050831-0104621, in the Register's Office for Davidson County, Tennessee, to which master deed reference is hereby made for a more particular description of said unit.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20060717-0085314, Register's Office for Davidson County, Tennessee.

3. Unit 402, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 402, The Morgan Park Place Condominiums, as established under Master Deed of record in Instrument No. 20050831-0104621, in the Register's Office for Davidson County, Tennessee, to which master deed reference is hereby made for a more particular description of said unit.

Being released by that certain Partial Release of Lien of record in Instrument No. 20060927-0119342, Register's Office for Davidson County, Tennessee.

4. Unit 408, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 408, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, in the Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20061027-0133303, Register's Office for Davidson County, Tennessee.

5. Unit 400, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 400, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20070201-0013117, Register's Office for Davidson County, Tennessee.

6. Unit 418, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 418, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20071026-0126592, Register's Office for Davidson County, Tennessee.

7. Unit 422, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 422, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20071119-0135431, Register's Office for Davidson County, Tennessee.

8. Unit 420, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 420, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20071129-0138302, Register's Office for Davidson County, Tennessee.

9. Unit 404, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 404, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20080808-0082037, Register's Office for Davidson County, Tennessee.

10. Unit 1504, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit 1504, the Morgan Park Place Condominiums, as established under Master Deed of record in Instr. 20050831-0104621, Register's Office for Davidson County, Tennessee.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20080828-0088289, Register's Office for Davidson County, Tennessee.

11. Unit 414, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit Number 414, Morgan Park Place Condominiums, as established under Master Deed of record in Instrument No. 20050831-0104621, and any amendments subsequent thereto, all in the Register's Office for Davidson County, Tennessee, to which Master Deed reference is hereby made for a more particular description of said unit.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20090122-0005387, Register's Office for Davidson County, Tennessee.

12. Unit 416, Morgan Park Place Condominiums

Land in Davidson County, Tennessee, being Unit Number 416, Morgan Park Place Condominiums, as established under Master Deed of record in Instrument No. 20050831-0104621, and any amendments subsequent thereto, all in the Register's Office for Davidson County, Tennessee, to which Master Deed reference is hereby made for a more particular description of said unit.

Being released by that certain Partial Release of Construction Deed of Trust of record in Instrument No. 20090122-0005393, Register's Office for Davidson County, Tennessee.

Known as: Morgan Park Place, 5th Avenue North and Van Buren Street, Nashville, TN 37208

Possible Map & Parcel: 082-09-0 77 & 78

(The address and map and parcel above are believed to be correct; but same is not part of the legal description of the property sold herein and in the event of any discrepancy, the legal description herein shall control.)

This sale is subject to all matters shown on any recorded document, including any applicable recorded plan, plat, charter, restriction, judgment(s), notice of governmental entity, or declaration of taking(s); any prior lien(s) of record; unpaid taxes and assessments which exist as a lien against said properties; any restrictive covenant(s), easement(s) or setback line(s) that may be applicable; any rights, exemptions and/or rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal; and any prior deeds of trust, 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 accurate survey of the premises might disclose.

The Substitute Trustee makes no personal warranties or representations concerning the subject property. The transfer is "AS IS, WHERE IS, AND WITH ALL FAULTS," and without warranty of any kind, express or implied, as to the condition of such property and the improvements located thereon, including merchantability or fitness for particular purpose. Trustee shall make no covenant of seisin or warranty of title, express or implied. Grantee accepts title to the property subject to any problems arising in connection with the property and/or the improvements located thereon, including without limitation problems arising out of or in connection with deterioration of any improvements thereon, violations of the Environmental Laws, and potential flood hazards. By accepting the Successor Trustee's Deed, Grantee agrees to indemnify and hold the Successor Trustee harmless from any and all costs, expenses, and liability, including without limitation attorneys' fees, arising out of or in connection with any of the foregoing.

To have and to hold the said tract or parcel of land, including all appurtenances, estate, title and interest thereto belonging, unto the said Grantee, their heirs and/or assigns, forever.

Whenever used, the singular number or pronoun shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

(Remainder of page intentionally left blank)

WITNESS, my hand this 16th day of February, 2009.

R. Garry Chaffin, 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 **R. Garry Chaffin**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged herself to be the Trustee under the above referenced Deed of Trust, and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville Tennessee, this the 16th day of February, 2009.

Notary Public

My Commission Expires: _____

P. ROBYN CALDWELL
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JULY 5, 2011

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property (whichever is greater) is $900,000.00. This is equal to or greater than the property would bring at a fair and voluntary sale.

R. Garry Chaffin, Trustee

Sworn to and subscribed before me this the 16th day of February, 2009.

Notary Public

My Commission Expires:

P. ROBYN CALDWELL
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JULY 5, 2011

CERTIFICATE OF AUTHENTICITY

I, P. Robyn Caldwell, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

P. Robyn Caldwell

State of Tennessee
County of Davidson

Personally appeared before me, Casey Fisher, a notary public for this county and state, P. Robyn Caldwell, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary Public

Commission Expires: _____

CASEY FISHER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 7, 2011