BILL GARRETT, Davidson County
Trans:T20090056404 DEEDTRS
Recvd: 08/18/09 13:29 4 pgs
Fees:23.00 Taxes:5827.50
20090818-0077682

FROM: JAMES R. KELLEY
SUBSTITUTE TRUSTEE

TO: CARREL MCCULLAR
NEW OWNER

Address New Owner as Follows:	Send Tax Bills To:	Map-Parcel No:
CARREL MCCULLAR 1651 Guy Ferrell Road Franklin, TN 37067	Same	Map 119-10 Parcel 27

This instrument prepared by:
Neal & Harwell, PLC, 150 Fourth Avenue, North, Suite 2000,
Nashville, Tennessee 37219

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $1,575,000.00.

AFFIANT

Subscribed and sworn to before me, this the 10 day of August, 2009.

NOTARY PUBLIC

LISA K. BRIAN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires: 3/14/2013

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust, Assignment of Rents and Leases, Security Agreement and Financing Statement dated March 15, 2007 and recorded March 20, 2007, of record as Instrument No. 20070320-0033398, Register's Office for Davidson County, Tennessee, hereinafter referred to as "Deed of Trust," Thompson Lane Partners, a Tennessee general

partnership ("Grantor") conveyed to Investors Title Insurance Company, Nashville, Tennessee, Trustee, the hereinafter described real estate, hereinafter referred to as "Property," to secure to FirstBank (a) payment and performance of the obligations of James L. Shaub, II, ("Guarantor"), under a certain Continuing and Unconditional Guaranty ("Guaranty") wherein Guarantor guarantied certain obligations of SouthEast Waffles, LLC (the "Borrower"); (b) payment of all other sums, with interest thereon, advanced in accordance therewith to protect the security of the Deed of Trust; and (c) performance of the covenants and agreements of Grantor therein contained; and which Guaranty is fully described in the Deed of Trust; and

WHEREAS, default having occurred in the payment of obligations under the Guaranty, and in accordance with the terms of the Guaranty and Deed of Trust, the holder thereof declared the entire indebtedness due and owing; and

WHEREAS, the lawful owner and holder of the indebtedness, by the terms of a certain instrument of record as Instrument No. 20090701-00061552, Register's Office for Davidson County, Tennessee, appointed James R. Kelley, Substitute Trustee, in the place and stead of Investors Title Insurance Company, Nashville, Tennessee, Trustee; and

WHEREAS, the owner and holder of the indebtedness directed James R. Kelley, Substitute Trustee, to sell the Property, and in accordance with the terms thereof, and pursuant to said direction, James R. Kelley, Substitute Trustee, did advertise the Property for sale as provided in the Deed of Trust and Guaranty, and the Property was advertised to be sold at 10:00 a.m., on August 6, 2009, at the door of the Davidson County Register of Deeds, Sommet Center, 501 Broadway, Nashville, Tennessee, at public outcry, to the highest and best bidder for cash, free from the equity of redemption, homestead and dower, and all other exemptions of every kind, all of which are expressly waived in the Deed of Trust, and advertisement of sale was duly published in the Davidson County A.M. insert of *The Tennessean*, a newspaper of general circulation in Davidson County, Tennessee, on July 17, 24 and 31, 2009; and

WHEREAS, at the time and place of said sale, and upon the Property being offered under the terms hereinabove set forth, CARREL MCCULLAR was the highest and best bidder, the Substitute Trustee thereby concluding the sale as of 10:30 a.m., by announcing that the Property had sold;

NOW, THEREFORE, the undersigned, James R. Kelley, Substitute Trustee, pursuant to the bid of CARREL MCCULLAR, acknowledges receipt of the sum of One Million Five Hundred Seventy-Five Thousand Dollars ($1,575,000.00) which was the highest bid, and for and in consideration of said bid, has bargained and sold, and by these presents does hereby transfer and convey unto CARREL MCCULLAR, his heirs, successors and assigns, the following described real estate in Davidson County, Tennessee:

> Land in Davidson County, Tennessee, being Lot(s) 1, as shown on the map entitled Thompson Lane Center, of record in Plat Book 6250, page 839, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to Thompson Lane Partners by quitclaim deed from John W. McIntyre and Julianna M Shaub, of record as Instrument No. 20070320-0033397, Register's Office for Davidson County, Tennessee.

This is improved property located at 202 Thompson Lane, Nashville, TN.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to CARREL MCCULLAR, his heirs, successors and assigns, forever; and James R. Kelley, Substitute Trustee, does hereby transfer, assign, and set over unto CARREL MCCULLAR, all of his right, title and interest in the said property as Substitute Trustee, but no further or otherwise.

CONCURRENT with the sale of the herein referenced Property, James R. Kelley, Substitute Trustee, acting for and under the instruction of FirstBank also conducted a sale under the Uniform Commercial Code of all the right, title and interest of Memorial Partners in all of the improvements, tenements, hereditaments and appurtenances, all easements serving or benefiting the Property, and any or all fixtures and improvements now or hereafter attached to the Property (collectively referred to hereinafter as the "Personal Property"), pledged to FirstBank as secured party, all as more particularly described in the Deed of Trust. CARREL MCCULLAR, being the highest and best bidder, did also purchase the Personal Property referenced herein, and James R. Kelley, Substitute Trustee acting for and under the instruction of the secured party, for the same good and valuable consideration, does by these presents hereby sell, transfer, assign and set over all of the secured party's right, title and interest in and to said Personal Property, but not further or otherwise.

IN WITNESS WHEREOF, the said James R. Kelley, Substitute Trustee, has executed this instrument on this the 10 day of August, 2009.

James R. Kelley, 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 James R. Kelley, Substitute Trustee, 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 executed the within instrument for the purposes therein contained in his capacity as Substitute Trustee.

Witness my hand and seal, at office in Nashville, Tennessee, this the 10th day of August, 2009.

Lisa K. Brian
NOTARY PUBLIC

My Commission Expires: 3/14/2013

