BILL GARRETT, Davidson County
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Fees:13.00 Taxes:274.73
20091112-0104317

PREPARED BY AND RETURN TO:
Joe M. Kirsch, Attorney
6055 Primacy Parkway, Suite 410
Memphis, TN 38119
901-767-5566
Fax: 901-761-5690

Name: Lori A. Tharpe, Wife and Joseph L. Tharpe
S & K#: 09-018834

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated March 9, 2005, recorded in Instrument number 20050317-0029307 in the Register's Office of Davidson County, Tennessee, Joseph L. Tharpe and wife, Lori A. Tharpe, conveyed to Bluegrass Title, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and,

WHEREAS, the holder of the debt secured appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 20090804-0072912, in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and the beneficiary requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS in pursuance of said request by said beneficiary, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of sale Deed of Trust by which advertisement the sale was appointed to be held on November 2, 2009, at the Davidson County Courthouse in Nashville, Tennessee, at 10:00 am; and,

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which time the said property was struck off and sold to The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2005-2, whose address is Saxon Mortgage Services, Inc., 4708 Mercantile Drive, Fort Worth, Texas 76137-3605 at and for the sum of $74,250.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, being the holder of the indebtedness has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2005-2, the sum of money so paid, receipt of which is hereby acknowledged, the undersigned, Shapiro & Kirsch, LLP., as Substitute Trustee, does hereby grant, bargain, sell and convey to the said The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2005-2, its successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Nashville, County of Davidson, State of Tennessee, to-wit:

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

Lot Number 122 on the Map of Woodberry Park Subdivision, as of record in Book 2133, Page 117, Register's Office for said County.

Said Lot 122 fronts 77 feet on the northerly side of Woodberry Drive and runs back 334.4 feet on the West line and 342.7 feet on the East line to a dead line, measuring 77.6 feet thereon.

This legal description is identical with that in Deed of Trust recorded in Instrument number 20050317-0029307 in the Register's Office of Davidson County, Tennessee.

The grantor received title to the above-captioned real estate by Deed of Trust of record Instrument number 20050317-0029307 Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200503170029306, in the Register's Office for Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements.

SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2005-2, its successors and assigns, in fee simple forever, to whom the said Shapiro & Kirsch, LLP., Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP., Substitute Trustee, has hereunto set his hand and seal on the date written below.

Shapiro & Kirsch

Ashley M. Jones, Authorized Agent

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 2nd day of November, 2009, before me, a Notary Public, in and for said State and County, personally appeared Ashley M. Jones, with whom I am personally acquainted, and who, upon oath acknowledged to be the Authorized Agent of Shapiro & Kirsch the within named bargainor, a limited liability partnership, and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Partnership.

WITNESS my hand and Notarial Seal at Office the day and year above written.

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

2/1/2012
My commission expires:

Travis Scaggs
Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of property conveyed (whichever is greater) is $74,250.00.

Affiant

Subscribed and sworn to before me on the date written above.

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

2/1/2012
My commission expires:

Travis Scaggs
Notary Public

PROPERTY ADDRESS: 2638 Woodbery Drive, 2638 Woodberry Drive (Per Deed of Trust), Nashville, TN 37214

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2005-2
4708 Mercantile Drive
Fort Worth, Texas 76137-3605

S & K #:09-018834
Map & Parcel – 09605007100