This Instrument Prepared by:
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07-21011

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**AFFIDAVIT TO RESCIND TRUSTEE'S SALE**

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, the undersigned authority, on this 26th day of October, 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 EverHome Mortgage Company, 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 June 26, 2003 and recorded in Instument No. 20030701-0090691, in the Register's Office of Davidson County, Tennessee, Jamie Sprott conveyed to Emmett James House and Bill R. McLaughlin , as Trustee for Union Planters Bank, National Association.

**THAT** the current holder of the indebtedness secured by said Deed of Trust, EverHome Mortgage Company offered the subject property for sale to the highest bidder on or about January 27, 2009 at the Davidson County Courthouse in Tennessee, to wit:

Described property located in Davidson County, Tennessee to wit:

Unit Number 145 of Brooke Castle Condominium. a horizontal property regime pursuant to the Horizontal Property Act, as shown on the plan to the Master Deed of record in Book 6250, Page 156, as amended by Book 6250, Page 527 and corrected by Surveyors Certificate of Correction of record in Book 6680, Page 905 and re-recorded in Book 6727, Page 762, said Register's Office to which source reference is hereby made for more complete details of description, together with the said Apartment's appurtenant undivided interest in the general and limited common elements of the Condominium.

Commonly known as: 145 Brooke Castle Drive #145, Hermitage, TN 37076

Tax Parcel No.: 075-08-0A-046.00

**THAT** as such time, agent of EverHome Mortgage Company struck off and sold the subject property to EverHome Mortgage Company at and for the sum of $60,572.07 that being the highest and best bid offered as evidenced in Substitute Trustees Deed of record at 20090824-0079301; EverHome Mortgage Company's interest was assigned to the Secretary of Housing and Urban Development

**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** EverHome Mortgage Company's interest was assigned to the Secretary of Housing and Urban Development 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 an Authorized Agent (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 October 26, 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