BILL GARRETT, Davidson County
Trans:T20090085542 DEEDTRS
Recvd: 12/21/09 07:30 6 pgs
Fees:33.00 Taxes:266.40
20091221-0115496

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201

SUBSTITUTE TRUSTEE'S DEED

Address of New Owner	Send Tax Bills To	Map & Parcel Nos.
Pinnacle National Bank 2019 Richard Jones Rd. Nashville, TN 37215	Same	Map 188-10-A, Parcel 2CO Map 188-10-A, Parcel 23CO

WHEREAS, by that certain Deed of Trust of record as Instrument No. 20090701-0061467, Register's Office for Davidson County, Tennessee (the "Deed of Trust"), Capstone Homebuilders Group, LLC, conveyed the real property described on attached Exhibit A, which is incorporated herein by reference (the "Property"), to John S. Seehorn, Trustee (the "Trustee"), to secure payment of the indebtedness described in the Deed of Trust (the "Indebtedness"); and

WHEREAS, by Appointment of Substitute Trustee of record as Instrument No. 20091105-0102433, Register's Office for Davidson County, Tennessee, Jason S. Lewallen was appointed Substitute Trustee under the Deed of Trust (the "Substitute Trustee"); and

WHEREAS, default occurred under the terms and conditions of the Deed of Trust and in the payment of the Indebtedness secured thereby; and

WHEREAS, at the request of Pinnacle National Bank, a national banking association, the lawful owner and holder of the Indebtedness, the Substitute Trustee gave notice of the time and place of a sale of the Property, all in accordance with the Deed of Trust and the laws of the State of Tennessee, by publishing a notice of sale in *The Davidson A.M.*, a newspaper published in Davidson County, Tennessee, said notice being first published on November 27, 2009, and thereafter published on December 4, 2009 and December 11, 2009, with said notice advertising the sale of the Property to be held on December 18, 2009, at 1:30 P.M.; and

WHEREAS, on December 18, 2009, at 1:30 P.M., at the Davidson County Register of Deeds main entrance to the Sommet Center, 501 Broadway, Nashville, Davidson County, Tennessee, being the time and place fixed in said notice, the Property was offered for sale and sold in the manner provided in said notice and in the Deed of Trust, and the Substitute Trustee received a bid of $72,000.00 from Pinnacle National Bank, a national banking association, which bid was the last and highest bidder, and payment has been made by credit upon the Indebtedness, the receipt of which is hereby acknowledged.

NOW, THEREFORE, in consideration of the foregoing and of the sum bid and paid as provided herein, I, Jason S. Lewallen, Substitute Trustee, have bargained and sold, and do hereby bargain, sell, transfer and convey unto PINNACLE NATIONAL BANK, a national banking association, and its successors and assigns (the "Grantee") the Property;

TO HAVE AND TO HOLD the Property, together with the estate, title and interest of Substitute Trustee therein and all hereditaments, easements, appurtenances and improvements thereto belonging, to the Grantee, its successors and assigns, in fee simple forever, free from the equity of redemption, the statutory right of redemption, homestead, elective share, and all other exemptions of the grantor of the Deed of Trust of every kind, all of which were expressly waived therein, and subject only to liens, easements, encumbrances, liens for property and other taxes, rights of redemption of taxing entities and other matters that are prior in right to the lien and security title of the Deed of Trust. Without limiting the foregoing, the Property is or may be subject to those matters more particularly described on Exhibit B, which is incorporated herein by reference.

This is unimproved property located in Nolensville, Davidson County, Tennessee.

I, Jason S. Lewallen, Substitute Trustee, believe the title hereby conveyed to be good and do hereby transfer, assign and set over unto Grantee all of the covenants and warranties contained in the Deed of Trust; and, to the extent that I am able to do so as Substitute Trustee, and subject only to the matters herein expressly reserved, I hereby warrant the title to the Property against the lawful claims of all persons claiming by, through or under me as such Substitute Trustee, under the provisions of the above described Deed of Trust, but not further or otherwise.

WITNESS my hand as Substitute Trustee on this 18th day of December, 2009.

Jason S. Lewallen, Substitute Trustee

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Jason S. Lewallen, Substitute Trustee, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 18th day of December, 2009.

Notary Public

JOHN S. SEEHORN STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

My Commission Expires:

3/4/14

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property conveyed (whichever is greater) is $72,000.00.

Affiant

Sworn to and subscribed before me this 18th day of December, 2009.

Notary Public

JOHN S. SEEHORN STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

My Commission Expires:

3/4/14

EXHIBIT A

Tract 1

Land in Davidson County, Tennessee, being Lot No. 2 on the Plan of Carothers Crossing, Phase 1, as of record in Instrument No. 20070614-0071367, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Being the same property conveyed to Capstone Homebuilders Group, LLC by deed of record as Instrument No. 20070712-0083014, Register's Office for Davidson County, Tennessee.

Tract 2

Land in Davidson County, Tennessee, being Lot No. 23 on the Plan of Carothers Crossing, Phase 2, Section 1, Lots 21-61, as of record in Instrument No. 20070807-0093924, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Being part of the property conveyed to Capstone Homebuilders Group, LLC by deed of record as Instrument No. 20070824-0101504, Register's Office for Davidson County, Tennessee.

EXHIBIT B

1. Taxes for the year of 2009 a lien, now due and payable, but not yet delinquent.

2. Taxes for the year of 2008, a lien, now due, payable and delinquent.

3. Subject to all matters shown on the Plan of record as Instrument Number 20070614-0071367, Register's Office of Davidson County, Tennessee.

4. Subject to all matters shown on the Plan of record as Instrument Number 20070807-0093924, Register's Office of Davidson County, Tennessee.

5. Charter of Carothers Crossing Neighborhood Association, Inc. of record at Instrument Number 20070307-0027908, in the Register's Office for Davidson County, Tennessee.

6. Easement to Colonial Pipeline Company of record in Book 4588, Page 484, in the Register's Office for Davidson County, Tennessee.

7. Stormwater Detention Agreements of record at Instrument Number 20070702-0078659, Instrument No. 20060407-0040185 and Instrument No. 20060526-0062228, in the Register's Office for Davidson County, Tennessee.

8. Easement and Memorandum of Agreement of record at Instrument Number 20070123-0009057, in the Register's Office for Davidson County, Tennessee.

9. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage Water Mains, Pumps and Appurtenances, to Metropolitan Government of Nashville and Davidson County, of record at Instrument Number 20070703-0079178, in the Register's Office for Davidson County, Tennessee.

10. Inspection and Maintenance Agreement for Private Stormwater Management Facilities to Metropolitan Government of record at Instrument Number 20070711-0082648, in the Register's Office for Davidson County, Tennessee.

11. Master Deed Restrictions for Carothers Crossing of record at Instrument Number 20070627-0076581, as supplemented by Instrument Number 20070821-0099817, Instrument No. 20070821-0099818; as amended by Instrument No. 20080515-0049892 and Instrument No. 20080515-0049893, in the Register's Office for Davidson County, Tennessee.

12. Declaration of Charter, Easements, Covenants and Restrictions recorded at Instrument No. 20070627-0076582, as supplemented by Instrument No. 20070821-0099817 and Instrument No. 20070821-0099818, and as amended by Instrument No. 20080515-0049892, said Register's Office.

13. Subject to lien for special assessments as contained in the restrictions.

14. Subject to rights of others in and to the common areas and/or elements.

15. Easements, or claims of easements, not shown by the public records.

16. Rights or claims of parties in possession not shown by the public record.

17. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by public records.

18. Any discrepancies, conflicts, encroachments, servitudes, shortages in area and boundaries, or other facts which a correct survey should show.

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