BILL GARRETT, Davidson County
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20110805-0060243

Prepared by:
J. PHILLIP JONES
Attorney at Law
1800 Hayes St.
Nashville, TN 37203

AFFIDAVIT TO RESCIND FORECLOSURE SALE

WHEREAS, on **FEBRUARY 16, 2007**, **DENNIS K. ROMAN AND LESA ROMAN, HUSBAND AND WIFE**("borrower"), executed a Deed of Trust to secure payment of a certain obligation in the amount of **$440,000.00**, said Deed of Trust having been placed of record in **INSTRUMENT NO. 20070227-0024227**, Register's Office for **DAVIDSON** County, Tennessee and

WHEREAS, default occurred in the terms, condition and payments provided in said Deed of Trust and the holder of said indebtedness, **US BANK, NATIONAL ASSOCIATION, N.D.**("lender"), appointed **J. PHILLIP JONES**, as Substitute Trustee by Instrument of record in **INSTRUMENT NO. 20090923-0088659**, and

WHEREAS, a Foreclosure Sale was held on **MAY 20, 2011**, in accordance with the terms set forth in said Deed of Trust and a Substitute Trustee's Deed was recorded on **MAY 26, 2011**, in **INSTRUMENT NO. 20110526-0040438**, conveying said property to **U.S. BANK, NATIONAL ASSOCIATION, N.D.** and

NOW THEREFORE, it is hereby acknowledged and declared by the undersigned Substitute Trustee and the Grantee under said Deed, that the Foreclosure Sale held on **MAY 20, 2011**, and the resulting Substitute Trustee's Deed are voided, rescinded and vacated, have been held and recorded in error and further that the title to the subject shall remain vested in **DENNIS K. ROMAN AND LESA ROMAN** as per the deed of record in **INSTRUMENT NO. 20030530-0073128** , Register's Office for **DAVIDSON** County, Tennessee, subject to the full force and effect of the Deed of Trust of record in **INSTRUMENT NO. 20070227-0024227** said Register's Office.

Further, Affiant Sayeth not this 1ST day of AUGUST, 2011.

J. PHILLIP JONES, Substitute Trustee
1800 Hayes St.
Nashville, TN 37203
(615) 254-4430

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public, in and for said County, and State aforesaid, personally appeared J. PHILLIP JONES, Substitute Trustee, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 1ST day of **AUGUST, 2011**.

Elizabeth P. Guye
NOTARY PUBLIC

My Commission Expires: 1/21/2013

Elizabeth P. Guye
STATE OF TENNESSEE NOTARY PUBLIC
Rutherford County