IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, TENNESSEE

RECEIVED
MAY 17 2012
Dav. Co. Chancery Court

DONALD FERGUSON and CASSANDRA FERGUSON,	
Plaintiffs,	109, A
v.	CASE NO: 10-1803-I
	Consolidated with Case No. 11-0162-I
BANK OF NEW YORK MELLON and BANK OF AMERICA,	
Defendants.	

FILED
2012 MAY 24 AM 9:58

CONSENT ORDER

WHEREAS, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, AS TRUSTEE FOR BEAR STEARNS ALT-A TRUST 2004-11, MORTGAGE PASS-THROUGH CERTIFICATES (hereinafter, the "Bank of New York"), is the current holder of the Deed of Trust from Donald Ferguson (hereinafter "Mr. Ferguson") and Cassandra Ferguson (hereinafter "Mrs. Ferguson") to Mortgage Electronic Registration Systems, Inc. as nominee for GreenPoint Mortgage Funding, Inc., dated July 29, 2004 and recorded August 5, 2004 at Instrument No. 20040805-0094198, Davidson County, Tennessee records (hereinafter the "Deed of Trust") and securing the real property located at 304 Louviers Lane, Old Hickory, Davidson County, Tennessee 37138 (hereinafter the "Property") according to the present system of numbering in said County and State, and as more particularly described as follows:

BILL GARRETT, Davidson County
Trans:T20120041447 ORDER
Recvd: 06/05/12 16:04 5 pgs
Fees:27.00 Taxes:0.00
20120605-0049084

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 65 ON THE PLAN OF BRANDYWINE FARMS, SECTION 2, OF RECORD IN BOOK 3700, PAGE 28, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAN REFERENCE IS MADE FOR A MORE COMPLETE DESCRIPTION.

WHEREAS, on September 5, 2003, the Property was conveyed via Warranty Deed from Richard L. Garrett and Linda Lane to Mr. Ferguson and Mrs. Ferguson (hereinafter, the "Warranty Deed"). The Warranty Deed was recorded at Instrument No. 20030909-0131344, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, on July 29, 2004, Mr. Ferguson and Mrs. Ferguson obtained a loan from GreenPoint Mortgage Funding, Inc. in the amount of One Hundred Ninety-One Thousand Seven Hundred Fifty and 00/100 Dollars ($191,750.00) (hereinafter, the "Loan"). As evidence of this indebtedness, Mr. Ferguson and Mrs. Ferguson executed a promissory note dated July 29, 2004 (hereinafter, the "Note"); and

WHEREAS, to secure repayment of the Note, Mr. Ferguson and Mrs. Ferguson executed the Deed of Trust; and

WHEREAS, on February 17, 2010, the Deed of Trust was assigned from Mortgage Electronic Registration Systems, Inc. as nominee for GreenPoint Mortgage Funding, Inc. to the Bank of New York via that certain Assignment recorded on February 22, 2010, at Instrument No. 2010022-0013239, in the Register's Office for Davidson County, Tennessee (hereinafter, the "Assignment"); and

WHEREAS, on March 22, 2010, the Property was foreclosed and sold to the Bank of New York, the highest bidder for cash, as evidenced by the Substitute Trustee's Deed

recorded April 5, 2010 at Instrument No. 20100405-0024856, in the Register's Office for Davidson County, Tennessee (hereinafter the "Substitute Trustee's Deed"); and

WHEREAS, the foreclosure sale was completed however it is the intention of the parties to reverse the foreclosure sale; and

WHEREAS, the Bank of New York, Mr. Ferguson, and Mrs. Ferguson have consented and agreed that the real estate records of Davidson County, Tennessee should be reformed by voiding the Substitute Trustee's Deed recorded at Instrument No. 20100405-0024856, Davidson County, Tennessee records; and

WHEREAS, the Bank of New York, Mr. Ferguson, and Mrs. Ferguson have further consented and agreed that the Deed of Trust, dated July 29, 2004 and recorded August 5, 2004 at Instrument No. 20040805-0094198, Davidson County, Tennessee records should be reinstated of record so that it has full force and effect as a first priority security interest on the Property; and

WHEREAS, the Bank of New York, Mr. Ferguson, and Mrs. Ferguson have consented and agreed that any subordinate security interests and liens should be reinstated of record and restored to their respective interests as they existed prior to the foreclosure sale; and

WHEREAS, the Bank of New York, Mr. Ferguson, and Mrs. Ferguson have further consented and agreed that Mr. Ferguson and Mrs. Ferguson are declared record title owners of the Property subject to the open Deed of Trust.

IT IS THEREFORE ORDERED AND ADJUDGED:

(a) That the Davidson County, Tennessee real estate records are hereby reformed to reflect that the recorded April 5, 2010 at Instrument No. 20100405-0024856, in the Register's Office for Davidson County, Tennessee is void, thus invalidating the foreclosure sale of the Property and returning the Parties to their respective interests and positions as they existed prior to the foreclosure sale;

(b) That the Deed of Trust, dated July 29, 2004 and recorded August 5, 2004 at Instrument No. 20040805-0094198, Davidson County, Tennessee records is hereby reinstated of record so that it has full force and effect as a first priority security interest on the Property;

(c) That any subordinate security interests and liens are hereby reinstated of record and restored to their respective interests as they existed prior to the foreclosure sale;

(d) That Donald Ferguson and Cassandra Ferguson are declared the record title owners of the Property subject the open Deed of Trust; and

(e) All court costs are assessed to the Defendant.

SO ORDERED, this ____ day of _____, 2012.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 1st DAY OF June 2012
KRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

CLAUDIA C. BONNYMAN, CHANCELLOR
CHANCERY COURT, PART I

Approved for entry by:

Ronald B. Buchanan w/permission by

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CERTIFICATE OF SERVICE

I do hereby certify that on this 16th day of May, 2012, a true and exact copy of the foregoing was served via E-mail and First Class U.S. mail, postage prepaid, as indicated below:

Ronald B. Buchanan
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rbuchanan@bellsouth.net
Attorney for Plaintiffs

Lauren Paxton Roberts

MAILED
5/24/12