After Recording Return to:
SECURED LENDING SERVICES
290 BILMAR DRIVE
PITTSBURGH, PA 15205

This document prepared by:

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Davidson County DEEDWARR
Recvd: 06/27/12 08:37 5 pgs
Fees:28.00 Taxes:343.23
20120627-0056151

Tax ID No.: 042070A078.00
D12-500083

DEED IN LIEU OF FORECLOSURE

THIS INDENTURE made and entered into on this 10th day of May, 2012, by and between CARL ALLEN KIRBY AND MARILYN FAYE KIRBY A/K/A FAYE E. KIRBY, HUSBAND AND WIFE of 4364 BATON ROUGE DR., HERMITAGE, TN 37076 hereinafter referred to as Grantor(s) and BENEFICIAL TENNESSEE INC., of 636 GRAND REGENCY BOULEVARD, BRANDON, FL 33510, hereinafter referred to as Grantee(s).

WITNESSETH: That the said Grantors, for and in consideration of the sum of NINETY-TWO THOUSAND SEVEN HUNDRED SIXTY-FIVE AND 97/100 ($92,765.97) DOLLARS, cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, have this day given, granted, bargained, sold, conveyed and confirmed and do by these presents give, grant, bargain, sell, convey and confirm unto the said Grantee following described real estate located in DAVIDSON County, TENNESSEE:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Prior instrument reference: BOOK 20010403 PAGE XXXX, Recorded: 04/03/2001
INST # 20010403-0032176 CAK MFIC

TO HAVE AND TO HOLD the lot or parcel above described together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Grantee and unto Grantee's heirs, administrators, successors or assigns, forever.

GRANTORS hereby covenant with and represent unto the said Grantee and unto his successors or assigns, that they are lawfully seized in fee of the lot or parcel of land above described; that the same is free from all liens and encumbrances except ad valorem taxes for the current tax year and subsequent years, restrictions, restrictive covenants and easements of record, if any; that they have a good and lawful right to sell and convey the same as aforesaid and that they will forever warrant and defend the title to same unto the said Grantee and unto his successors or assigns, forever, except as to said taxes, restrictions, restrictive covenants and easements of record, if any.

Assessor's parcel No. 042070A078.00

CONDITION AGAINST MERGER: acceptance of this deed by the grantee shall not cancel the existing mortgage from the Grantor to BENEFICIAL TENNESSEE INC., nor shall acceptance result in a merger of the mortgage lien into the fee simple conveyed hereby. The existing mortgage from the Grantor to the Grantee shall be cancelled only by a separate written instrument executed and recorded in the accordance with the law.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals on this the day and year first above written.

Carl A Kirby Carl Allen Kirby
CARL ALLEN KIRBY

Marilyn Faye Kirby
MARILYN FAYE KIRBY A/K/A FAYE E. KIRBY
aka Faye E. Kirby

STATE OF Tennessee
COUNTY OF Davidson

Personally appeared before me, the undersigned notary public of the aforesaid County and State, CARL ALLEN KIRBY, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he/she executed the within instrument for the purposes therein contained.
Witness my hand, at offices, the 10th day of May, 2012.

Joan Marie Scarlett
Notary Public
Commission expires: 11-5-14

JOAN MARIE SCARLETT STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

Personally appeared before me, the undersigned notary public of the aforesaid County and State, MARILYN FAYE KIRBY A/K/A FAYE E. KIRBY, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he/she executed the within instrument for the purposes therein contained.
Witness my hand, at offices, the 10th day of May, 2012.

Joan Marie Scarlett
Notary Public
Commission expires: 11-5-14

JOAN MARIE SCARLETT STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

VALUATION AFFIDAVIT

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 the property transferred, whichever is greater is $92,765.97, which amount is equal to or greater than the amount which the property transferred would command at a fair voluntary audit.

Affiant Beau M. Kestec - Agent

Subscribed and sworn to before me this 26th day of June, 2012.

Notary Public
Commission Expires 9/9/13

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Matthew W. Jones, Notary Public
Robinson Twp., Allegheny County
My Commission Expires Sept. 9, 2013
Member, Pennsylvania Association of Notaries

Name and address for person(s) responsible for taxes:

BENEFICIAL TENNESSEE INC.
636 GRAND REGENCY BOULEVARD
BRANDON, FL 33510

Name and address of property owner:

BENEFICIAL TENNESSEE INC.
636 GRAND REGENCY BOULEVARD
BRANDON, FL 33510

EXHIBIT A
LEGAL DESCRIPTION

THAT CERTAIN TRACT OF PARCEL OF LAND IN DAVIDSON COUNTY,TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 353 ON THE REVISED PLAT OF HERITAGE SQUARE, PHASE THREE, A PLANNED UNIT DEVELOPMENT OF RECORD IN PLAT BOOK 5200, PAGE 744, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH SAID PLAN REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION THEREOF.

SUBJECT TO THE EASEMENTS AND RESTRICTIONS AS SHOWN ON THE PLAT MAP FILED IN PLAT BOOK 5200, PAGE 744.

SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FILED IN BOOK 5752 PAGE 884, BOOK 6071 PAGE 766 AND 6122 PAGE 483.

BEING THE SAME PROPERTY CONVEYED FROM CARL A. KIRBY CARL ALLEN KIRBY AND SOPHRONIA D. LONG AS TENANTS IN COMMON WITH RIGHTS OF SURVIVORSHIP BY DEED RECORDED 4/03/2001 DOCUMENT 20010403-0032176 IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE. SOPHRONIA D. LONG HAVING SINCE DIED, LEAVING CARL ALLEN KIRBY AS THEIR SURVIVING TENANT BY ENTIRETY

PARCEL NO.: 042070A078.00

PROPERTY COMMONLY KNOWN AS: 1008 PEWTER COURT, MADISON, TN 37115

True Copy Certification

I, Brian M. Kester, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

B M. K

Signature

State of Pennsylvania

County of Allegheny

Personally appeared before me, Matthew W. Jones, a notary public for this county and state, Brian M. Kester, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

My Commission Expires: 9/9/13

Notary' Seal (if on paper)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Matthew W. Jones, Notary Public
Robinson Twp., Allegheny County
My Commission Expires Sept. 9, 2013
Member, Pennsylvania Association of Notaries