BILL GARRETT, Davidson County
Trans:T20120082626 DEEDTRS
Recvd: 10/30/12 15:25 5 pgs
Fees:27.00 Taxes:0.00
20121030-0099687

Prepared By & Return To:
Peter L. Lublin, Esq.
Rubin Lublin TN PLLC
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092

Cross-References:
Deed Book 11164, Page 732
Instrument No. 20120312-0021129
Davidson County, Tennessee Records

AFFIDAVIT TO RESCIND FORECLOSURE SALE

State of Texas
County of Tarrant

Comes now the Affiant, Jorge Valadez, Vice President (Title) of ReconTrust Company, N.A. after being duly sworn in accordance with law, who makes oath and states as follows:

WHEREAS, on the 15th day of October, 1998, Carlavino O. Evans a/k/a Carlavino O'Neal Evans and Kathy Evans a/k/a Kathy D. Evans (Borrowers) executed a Deed of Trust to Dale S. McKenzie, Trustee; Countrywide Home Loans, Inc. as beneficiary; in the original principal amount of $146,588.00, said Deed of Trust having been filed for record on October 21, 1998, in Deed Book 11164, Page 732, in the Register's Office for Davidson County, Tennessee; and

WHEREAS, default occurred in the terms, conditions and payments provided in said Deed of Trust, and the holder of said indebtedness-Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP-appointed ReconTrust Company, N.A. as Substitute Trustee in instrument of record in Instrument No. 20110929-0075431, in said Register's Office; and

WHEREAS, a foreclosure sale was conducted and a Substitute Trustee's Deed recorded on March 12, 2012, as Instrument No. 20120312-0021129, in said Register's Office, in which title to the subject property was conveyed to The Secretary of Veteran's Affairs; and

WHEREAS, Borrower Kathy Delois Harris f/k/a Kathy Evans filed bankruptcy on December 29, 2011 in the Middle District of Tennessee, Case Number 3:09-bk-14755 and

WHEREAS, the automatic stay provisions of 11 USC 362 (a) were in effect on the day of the sale as to Kathy Delois Harris f/k/a Kathy Evans, thereby voiding and vacating any and all actions taken by the Substitute Trustee; and

WHEREAS, the United States Bankruptcy Court for the Middle District of Tennessee, pursuant to the Order (the "Order") attached hereto as Exhibit "A", has declared the foreclosure sale "NULL and VOID" and ordered the Deed of Trust reinstated;

THEREFORE, it is hereby acknowledged and declared by the undersigned Substitute Trustee that the March 12, 2002, foreclosure sale was rescinded, voided and vacated by the Order and that the Substitute Trustee's Deed is thereby null and void, and the property remains in the title of its previous owner, subject to the Deed of Trust.

FURTHER AFFIANT SAYS NOT.

Sworn to and subscribed before me this 17th day of October, 2012.

ReconTrust Company, N.A.

By: _____

Print Name: Jorge Valadez

Title: Vice President

State of Texas

County of Tarrant

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Jorge Valadez, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be a VP (title) of ReconTrust Company, N.A., the within named bargainor, a corporation, and that (s)he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, on behalf of ReconTrust Company, N.A.

WITNESS my hand, at office, this 17 day of October, 2012.

My Commission Expires: 4/19/2014

_____

Notary Public

(Notary Seal)

KANETTA DENISE EDWARDS
Notary Public
State of Texas
My Comm. Expires 4-19-2014

Randal S. Mashburn
U.S. Bankruptcy Judge

Dated: 08/30/12

EXHIBIT
tabbies
A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In Re:	* **CHAPTER 13**
	*
CLINTON CARDIAVLE HARRIS, III and KATHY DELOIS HARRIS,	* **CASE NO. 09-14755**
	*
	* **JUDGE RANDAL S. MASHBURN**
Debtors	*

AGREED ORDER

NOW COMES the Debtors, Clinton Cardiavle Harris, III and Kathy Delois Harris, and secured creditor, Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP; and, based upon the signatures of counsel below, the parties have stipulated and consented as follows:

The foreclosure sale of the real property located at 5028 Pebble Creek Drive, Antioch, Tennessee 37013 and more particularly described as follows:

> Being Lot No. 98, on the Plan of Oakwood Subdivision, Section One, Phase Six, of record in Plat Book 7900, Page 419; and, as corrected in Book 8705, Page 870, Register's Office for Davison County, Tennessee, to which Plan reference is hereby made for a more complete description

shall be SET ASIDE.

The Substitute Trustee's Deed, recorded in the records of the Register of Deeds for Davidson County, Tennessee on or about March 12, 2012, at Instrument No. 20120312-0021129, shall be deemed NULL and VOID.

The original Deed of Trust, recorded in the records of the Register of Deeds for Davidson County, Tennessee at Instrument No. 0512387, Deed Book 11164, at Page 732, dated October 15, 1998 and recorded on October 21, 1998 is hereby RE-INSTATED, and shall be considered a valid lien against the real property at 5028 Pebble Creek Drive, Antioch, Tennessee 37013, and the parties thereto shall have the same rights and remedies as if the foreclosure sale had not taken place.

Bank of America, N.A. shall pay $2,000.00 within ten (10) days of the entry of this Order and said funds shall be made payable to Edgar M. Rothschild, attorney.

Bank of America, N.A. shall file a certified copy of the entered Agreed Order with the Register of Deeds for Davidson County, Tennessee and bear any cost associated therewith.

SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE.

Prepared and agreed to:

/s/ Laura A. Grifka
Laura A. Grifka (TN Bar 015119)
JOHNSON & FREEDMAN, LLC
1587 Northeast Expressway
Atlanta, GA 30329
Phone: (678) 298-8888
Fax: (404) 329-8125
lagrifka@jflegal.com

Approved by:

/s/ Edgar M. Rothschild, III *by permission*
Edgar M. Rothschild, III
ROTHSCHILD & AUSROOKS
1222 16th Avenue, South, Suite 12
Nashville, TN 37212-2926
615-242-3996
Fax : 615-242-2003
notice@rothschildbklaw.com

/s/Henry E Hildebrand, III
Digitally signed by /s/Henry E Hildebrand, III
DN: cn=/s/Henry E Hildebrand, III, c=US, o=Chapter 13 Trustee, ou=Henry E Hildebrand, III
Date: 2012.08.29 10:06:55 -05'00'

Henry E. Hildebrand, III
CHAPTER 13 TRUSTEE
PO Box 190664
Nashville, TN 37219-0664
(615) 244-1101 (telephone)
(615) 242-3241 (facsimile)
pleadings@ch13nsh.com

This Order has Been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.

EXHIBIT "B"
PROPERTY DESCRIPTION

BEING LOT NO. 98, ON THE PLAN OF OAKWOOD SUBDIVISION, SECTION ONE, PHASE SIX, OF RECORD IN PLAT BOOK 7900, PAGE 419; AND AS CORRECTED IN PLAT BOOK 8705, PAGE 870, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAN REFERENCE IS HEREBY MADE FOR A MORE COMPLETE DESCRIPTION.