This Instrument Prepared by & Return to:
Rubin Lublin TN, PLLC
119 S Main St, Suite 500
Memphis, TN 38103

Cross References:
Instrument No. 20090923-0088569
Instrument No. 20111006-0077499
Instrument No. 20120723-0064667

AFFIDAVIT AND DISCLAIMER

BILL GARRETT, Davidson County
Trans:T20120088136 AFFIDAVIT
Recvd: 11/19/12 10:21 3 pgs
Fees:17.00 Taxes:0.00
20121119-0106332

STATE OF Texas

COUNTY OF Dallas

Comes now Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP (hereafter referred to as "the undersigned"), after being duly sworn in accordance with law, who makes oath and states as follows:

The undersigned does hereby irrevocably reject and disclaim delivery and acceptance of that certain Quit Claim Deed (hereafter referred to as "Deed") from Ronnie W. Payton and Paula L. Payton to Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP , dated July 18, 2012 and filed for record on July 23, 2012 at Instrument No. 20120723-0064667, in the Register's Office of Davidson County, Tennessee. Said Deed was apparently executed by Ronnie W. Payton and Paula L. Payton in an attempt to convey their interest in that certain real property commonly known as 82 Lutie Street, Nashville, TN 37210, property tax ID/parcel # 11906008300 (being more particularly described in "Exhibit A" attached hereto) to the undersigned for the purpose of avoiding foreclosure.

The Deed was never delivered to the undersigned and was recorded without the knowledge or consent of the undersigned. The undersigned, having had no knowledge that said Deed was intended to be executed, refuses to accept delivery of the same. Accordingly, because said Deed was never delivered to the undersigned, and because it was executed and recorded without the consent of the undersigned, said Deed does not represent a conveyance of said property to the undersigned, and title remains vested in the name of Ronnie W. Payton and wife, Paula L. Payton. Furthermore, said Deed shall not operate as a Deed in Lieu of Foreclosure, nor shall it operate as a merger of title with respect to that certain Deed of Trust executed by Ronnie W. Payton and wife, Paula L. Payton to David Dickson as Trustee, dated August 28, 2009 in favor of Mortgage Electronic Registration Systems, Inc. as nominee for EverHome Mortgage Company, recorded on September 23, 2009 at Instrument No. 20090923-0088569, in said Register's Office (said Deed of Trust having been later assigned to the undersigned in Assignment of record at Instrument No. 20111006-0077499, in said Register's Office).

Accordingly, said Deed of Trust of record at Instrument No. 20090923-0088569 (and the underlying Note), shall remain in full force and effect as if the Deed recorded at Instrument No. 20120723-0064667, had never been recorded.

FURTHER AFFIANT SAYS NOT.

Sworn to and subscribed before me this 14 day of November, 2012.

Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP

By: _____ Title Assistant Vice President Date 11-14-12

David Oliver Henderson November 14, 2012

State of Texas

County of Dallas

James L Zurlis

Before me, NOTARY PUBLIC, of the state and county mentioned, personally appeared David Oliver Henderson, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged ~~himself~~/herself to be ~~a~~/the Assistant Vice President of Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP, the within named bargainor, and that ~~he~~/she as such Assistant Vice President, executed the foregoing instrument for the purpose therein contained, by personally signing the name of Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP, as Assistant Vice President.

Witness my hand and seal, at office, this 14 day of NOVEMBER, 2012.

James L Zurlis

Notary Public James L Zurlis

My Commission Expires: 01-28-2013

JAMES L. ZURLIS
Notary Public
State of Texas
Comm. Exp. 01-28-2013

EXHIBIT "A"
PROPERTY DESCRIPTION

LAND SITUATED IN THE STATE OF TENNESSEE, COUNTY OF DAVIDSON CITY OF NASHVILLE, AND DESCRIBED AS FOLLOWS:

BEING LOT NO. 22 ON THE PLAN OF STERLING SUBDIVISION, OF RECORD IN BOOK 1424, PAGE 97, REGISTER`S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. SAID LOT NO. 22 FRONTS 60 FEET ON THE NORTHERLY SIDE OF LUTIE STREET AND RUNS BACK BETWEEN PARALLEL LINES 158.4 FEET TO A DEAD LINE.

BEING THE SAME PROPERTY CONVEYED TO RONNIE W. PAYTON AND WIFE, PAULA L. PAYTON, HEREIN BY DEED OF RECORD IN BOOK 10308, PAGE 104, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.