BILL GARRETT, Davidson County
Trans:T20130026675 DEEDTRS
Recvd: 04/02/13 14:48 6 pgs
Fees:33.00 Taxes:1136.11
20130402-0032499

NEW OWNER:

Volunteer State Bank
P. O. Box 7897
Portland, TN 37148

THIS INSTRUMENT PREPARED BY:

Rochelle, McCulloch & Aulds, PLLC
109 North Castle Heights Avenue
Lebanon, TN 37087

SEND TAX BILL TO:

New Owner

MAP & PARCEL NUMBERS:

147-03-0-A-023-00-CO (Unit B-7)
147-03-0-A-024-00-CO (Unit B-8)
147-03-0-A-030-00-CO (Unit B-14)
147-03-0-A-039-00-CO (Unit B-23)
147-03-0-A-027-00-CO (Unit B-11)
147-03-0-A-094-00-CO (Unit G-6)
147-03-0-A-061-00-CO (Unit D-15)
147-03-0-A-034-00-CO (Unit A-3)
147-03-0-A-052-00-CO (Unit D-6)
147-03-0-A-015-00-CO (Unit A-15)
147-03-0-A-016-00-CO (Unit H-12)
147-03-0-A-045-00-CO (Unit C-5)
147-03-0-A-040-00-CO (Unit B-24)
147-03-0-A-103-00-CO (Unit H-9)
072-14-144-00 (Chester Avenue)

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, James Michael Cunningham, unmarried, (also known as Mike Cunningham, Michael Cunningham, James M. Cunningham) executed a Deed of Trust to Matthew D. Ricker, Trustee, dated October 16, 2009, of record in Instrument No. 20091021-0097113, Register's Office for Davidson County, Tennessee, to secure an indebtedness evidenced by a Promissory Note payable to the order of Volunteer State Bank, hereinafter referred to as the "Deed of Trust"; and

WHEREAS, said conveyance was made for the purpose of securing the payment of certain sums as evidenced by a Promissory Note payable to the order of Volunteer State Bank and a default having occurred in the payment of same; and,

WHEREAS, pursuant to the above default, the original Trustee has tendered his resignation, and by Appointment of Substitute Trustee, dated February 25, 2013, of record in Instrument No. 20130226-0018897, Register's Office for Davidson County, Tennessee, Volunteer State Bank did convey all of the

rights, powers and privileges of the original Trustee as named in the Deed of Trust unto the undersigned, Byron M. Gill, Substitute Trustee; and

WHEREAS, acting pursuant to the demand made by Volunteer State Bank, the owner and holder of the indebtedness, and acting pursuant to the power and authority vested in the Trustee under the Deed of Trust and the Appointment of Substitute Trustee, Byron M. Gill, Substitute Trustee, duly advertised and sold the property hereinabove described at the north door of the Metro/Davidson County Courthouse in Nashville, Davidson County, Tennessee, on March 26, 2013, at 10:00 a.m., local time, to the highest and best bidder for cash, at which sale the same was bid in and sold to Volunteer State Bank at and for the sum of Three Hundred Seven Thousand Fifty-eight Dollars and 00/100 ($307,058.00), the receipt of which is hereby acknowledged.

NOW, THEREFORE, **BYRON M. GILL, Substitute Trustee**, has this day bargained and sold, and by these presents does hereby transfer and convey unto **VOLUNTEER STATE BANK**, its successors and assigns, forever, the following tract or parcel of land situated and lying in Davidson County, Tennessee, bounded and described as follows:

TRACT NO. 1:
Unit B-7 of Harding Place Condominium created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the Common Elements appurtenant to said Unit as set forth in Exhibit A-1 of said Master Deed. Reference is hereby made to the plat of Harding Place Condominium of record in Book 5200, page 571, said Register's Office for a more complete identification and description of such unit.

TRACT NO. 2:
Unit B-8 of Harding Place Condominium created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the Common Elements appurtenant to said Unit as set forth in Exhibit A-1 of said Master Deed. Reference is hereby made to the plat of Harding Place Condominium of record in Book 5200, page 571, said Register's Office for a more complete identification and description of such unit.

TRACT NO. 3:
Unit B-14 of Harding Place Condominium created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the Common Elements appurtenant to said Unit as set forth in Exhibit A-1 of said Master Deed. Reference is hereby made to the plat of Harding Place Condominium of record in Book 5200, page 571, said Register's Office for a more complete identification and description of such unit.

TRACT NO. 4:
Unit B-23 of Harding Place Condominium created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the Common Elements appurtenant to said Unit as set forth in Exhibit A-1 of said Master Deed. Reference is hereby made to the plat of Harding Place Condominium of record in Book 5200, page 571, said Register's Office for a more complete identification and description of such unit.

Tracts 1, 2, 3 and 4 – BEING the same property conveyed to James Michael Cunningham by Warranty Deed from Phillip C. Barnett II and wife, Kristie M. Barnett, dated October 19, 2009, of record in Instrument No. 20091021-0097112, Register's Office for Davidson County, Tennessee.

TRACT NO. 5:
BEING Unit B-11 and Unit D-6 of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

TRACT NO. 6:
BEING Unit G-6 of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

TRACT NO. 7:
BEING Unit D-15 of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with

the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

TRACT NO. 8:
BEING Unit A-3 of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

Tracts 5, 6, 7 and 8 – BEING the same property conveyed to James Michael Cunningham by Warranty Deed from Evelyn Frese, Trustee of the Evelyn L. Frese Revocable Living Trust dated December 29, 2002, of record in Instrument No. 20090326-0027286, Register's Office for Davidson County, Tennessee.

TRACT 9:
BEING Lot No. 38 and the East 20 feet of Lot 37 and the West 10 feet of Lot No. 39 on the Map of Chesterfield Place, as of record in Book 332, page 147, Registers' Office for said County.

Said Lot and parts of said lots front together 60 feet on the Southerly side of Chesterfield Avenue and run back between parallel lines 132 feet to an alley.

Tract 9 – BEING a portion of the same property conveyed to Mike Cunningham by Warranty Deed from Benny Lee Santiago and Jackie Hatcher, dated February 16, 2007, of record in Instrument No. 20070313-0030654, Register's Office for Davidson County, Tennessee.

TRACT NO. 10:
BEING Unit A-15 of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

TRACT NO. 11:
BEING Unit H-12 of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat

of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

Tracts 10 and 11 – BEING the same property conveyed to Mike Cunningham by Warranty Deed from Mark T. Jones, dated September 11, 2009, of record in Instrument No. 20090918-0087283, Register's Office for Davidson County, Tennessee.

TRACT NO. 12:
BEING Units C-5, B-24 and H-9, of Harding Place Condominiums created under Title 66, Chapter 27, Section 101, et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed of Record in Book 6104, page 725, as amended in Instrument #20050815-0096131, Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit as set forth in Exhibit A-1 of the said Master Deed. Reference is hereby made to the Plat of Harding Place Condominiums of record in Plat Book 5200, page 571, said Register's Office, for a more complete description of said unit.

Tract 12 – BEING the same property conveyed to Mike Cunningham by Deed from Renasant Bank, dated February 23, 2009, of record in Instrument No. 20090225-0016565, Register's Office for Davidson County, Tennessee.

Further reference is made to Deed of Trust of record in Instrument No. 20091021-0097113 and Appointment of Substitute Trustee of record in Instrument No. 20130226-0018897, Register's Office for Davidson County, Tennessee.

Tract 9 is known as 1228 Chester Avenue, Nashville, TN 37216
The remaining properties are commonly known as 441 Harding Place, Units A3, A15, B7, B8, B11, B14, B23, B24, C5, D6, D15, G6, H9, and H12, Nashville, TN 37211

TO HAVE AND TO HOLD said property, together with any and all appurtenances and improvements thereunto belonging, unto the said Volunteer State Bank, its successors and assigns, in fee simple, forever.

I further transfer, assign and convey unto Volunteer State Bank, its successors and assigns, all the rights and benefits of the covenants and warranties set forth in the aforesaid Deed of Trust executed to me as Substitute Trustee only, and not otherwise. It is the intention of the Substitute Trustee to convey no greater title to the subject real property than received as Substitute Trustee.

This conveyance is made subject to all matters shown on any applicable recorded Plat or Plan; any real property taxes which exist as a lien against said property, including without limitation city and county property taxes; any restrictive covenants, easements or setback lines that may be

applicable; any statutory rights of redemption not otherwise waived in the Deed of Trust, including rights of redemption of any governmental agency, state or federal; and any prior mortgages, liens or encumbrances that may exist against the property. This conveyance is also subject to any matter that an accurate survey of the premises might disclose and/or any tenant(s) rights in possession.

WITNESS MY SIGNATURE hereto this 1st day of April, 2013.

BYRON M. GILL
Substitute Trustee

STATE OF TENNESSEE
COUNTY OF WILSON

Personally appeared before me, the undersigned, a Notary Public of the state and county aforesaid, the within named bargainor, **BYRON M. GILL, 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 this 1st day of April, 2013.

Notary Public

DENISE CARVER
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY

My Commission Expires: 3-16-15

****

The actual consideration or value, whichever is greater, for this transfer is **$307,058.00**.

Affiant

SWORN AND SUBSCRIBED to before me this 1st day of April, 2013.

Notary Public

DENISE CARVER
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY

My Commission Expires: 3-16-15