

**NOTICE OF SETTING ASIDE OF SUBSTITUTE TRUSTEE DEED**

Comes now T. Robert Abney, Substitute Trustee, and files this Notice of Setting Aside Substitute Trustee's Deed; and

WHEREAS, on the 6th day of December, 1999, the Substitute Trustee's sale was held pursuant to a default in a certain Deed of Trust recorded in the Chancery Clerk's Office of DeSoto County, Mississippi, in Book 705, Pages 285-287, which Deed of Trust was executed by Durwood L. Merrill on the 29th day of April, 1994, to Hugh H. Armistead, as Trustee; and

WHEREAS, the owner and holder of the original indebtedness, United Southern Bank, as beneficiary, transferred and assigned said Deed of Trust to Union Planters Bank, National Association, by assignment of Deed of Trust executed on September 15, 1998, with said Assignment being recorded in the Chancery Court Clerk's Office of DeSoto County in **Book 1038, Page 255**; and

WHEREAS, the holder of the Note Union Planters Bank, National Association, being on and the same entity as Union Planters National Bank, and the owner of the debt secured having requested the undersigned to advertise and sell the property described in and conveyed by said Deed of Trust, all of the said indebtedness having matured by a default in the payment of a part thereof; and

WHEREAS, the said Trustee did advertise according to law, and did hold a foreclosure sale on Monday, December 6, 1999, between the legal hours of eleven o'clock (11:00 a.m.) and four o'clock (4:00 p.m.), and specifically at 3:25 p.m., and at the place mentioned in the advertisement which was in front of the East door and at the Highway 51 South entrance of the DeSoto County Courthouse, 2535 Highway 51 South, Hernando, Mississippi 3863; and

WHEREAS, at which sale the property was struck off and sold to Union Planters National Bank at and for the sum of Forty-Eight Thousand and 00/100 (\$48,000.00) Dollars, which was the highest and best valid bid offer, and the purchaser, Union Planters National Bank was conveyed the property by Substitute Trustee's Deed of record in Book 0364, Pages 0158-159 by Substitute Trustee's Deed filed on December 8, 1999; and

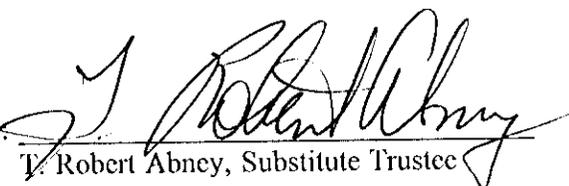
WHEREAS, the said Substitute Trustee was without notice that the owner of the property, the said Durwood L. Merrill had filed a Chapter 13 Bankruptcy under Title 11, Chapter 13 of the *United States Code Annotated* in the United States Bankruptcy Court, Western District of Tennessee on December 6, 1999 at approximately 10:35 a.m.; and

NOW THEREFORE, the undersigned, T. Robert Abney, Substitute Trustee, does hereby file this Notice of the setting aside of said Substitute Trustee's Sale and the Deed issued pursuant thereto which is of record in Book 0364, Page 0158-159 in the Chancery Court Clerk's Office of DeSoto County, Mississippi, said sale being void due to the filing of the aforesaid Chapter 13 Bankruptcy in Cause No. 99-35071 DSK in the United States Bankruptcy Court, Western District of Tennessee in the name of Durwood Lynn Merrill, 413-60-6559, without prejudice to said Substitute Trustee proceeding further as directed, or as is necessary and proper under applicable law as the case may be.

IN WITNESS, WHEREOF, the said T. Robert Abney, Substitute Trustee has hereunto set his hand this 11th day of January 2000. STATE MS. - DESOTO CO.

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W.F. DEWITT

by   
T. Robert Abney, Substitute Trustee

STATE OF TENNESSEE

COUNTY OF SHELBY

On this 11th day of January, 2000, before me, a Notary Public, in and for the State of Tennessee and County of Shelby, duly commissioned and qualified, personally appeared T. Robert Abney, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed and for the purposes stated wherein.

WITNESS, my hand and notarial seal at office the day and year above written.

  
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NOTARY PUBLIC

