

SUBSTITUTED TRUSTEE'S DEED

WHEREAS, on April 9, 2001, Loretta Shivley, a single woman, executed a deed of trust to Rhonda C. Bundy, Trustee for the benefit of First Choice Funding, Inc. which deed of trust is recorded in Deed of Trust Book 1314 at Page 478 and corrected and re-recorded in Book 1338 at Page 62 in the office of the Chancery Clerk of the County of DeSoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Bank One, National Association, as Trustee by instrument dated April 16, 2001 and recorded in Book 1393 at Page 685 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, Bank One, National Association, as Trustee, the holder of said deed of trust and the note secured thereby, substituted John C. Underwood, Jr., as Trustee therein, as authorized by the terms thereof, by instrument dated July 18, 2003, and recorded in the office of the aforesaid Chancery Clerk in Book 1795 at Page 79; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, Bank One, National Association, as Trustee, having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substituted Trustee's fees and expense of sale;

STATE MS. - DESOTO CO.

BY *BY* Oct 6 9 44 AM '03

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WHEREAS, the undersigned Substituted Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and the laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on the 26th day of September, 2003 at public outcry offered the hereinafter described property for sale at the Main Front door of the County Courthouse at Hernando, County of DeSoto, State of Mississippi;

WHEREAS, at such sale, Bank One, National Association, as Trustee bid the sum of \$84,600.00; and

WHEREAS, said bid by Bank One, National Association, as Trustee, was the highest bid;

NOW, THEREFORE, I, John C. Underwood, Jr., Substituted Trustee, in consideration of the sum of \$84,600.00, do hereby sell and convey unto Bank One, National Association, as Trustee the following described property located and situated in the County of DeSoto, State of Mississippi, to-wit:

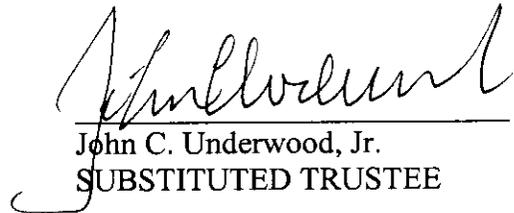
Lot 328, Section C, Lake Forest Subdivision in Section 25, Township 1, Range 9, as shown on plat of record in Plat Book 12, Pages 5-7, in the Chancery Clerk's Office, DeSoto County, Mississippi, to which plat reference is hereby made for a more particular description of said property.

LESS AND EXCEPT:

Begin at the point of intersection of the Northern line of grantors property with the present Western right-of-way line of Lake Forest Drive as shown on the plans for Federal Aid Project No. 46-0021-01-026-10 (100186/201000); from said point of beginning run thence South 00 degrees 13' 37" West along the present Western right-of-way line of said Lake Forest Drive, a distance of 29.005 meters (95.161 feet); thence run Southwesterly along the circumference of a circle to the right having a radius of 7.620 meters (25.0 feet), an arc distance of 12.005 meters

(39.386 feet) [said arc having a chord bearing of South 45 degrees 05' 31" West for a distance of 10.802 meters (35.440 feet)] to the present Northern right-of-way line of Bramble Lane South; thence run South 89 degrees 57' 28" West along the present Northern right-of-way line of said Bramble Lane South, a distance of 9.796 meters (32.139 feet); thence run North 62 degrees 55' 30" East, a distance of 15.795 meters (51.821 feet) to a point that is 11.000 meters (36.089 feet) Westerly of and perpendicular to the centerline of survey of Lake Forest Drive relocation at Station 9+920 as shown on the plans for said project at Station 4+543.85; thence run North 00 degrees 13' 37" East along a line that is 11.000 meters (36.089 feet) Westerly of and parallel with the centerline of survey of Lake Forest Drive relocation, a distance of 29.446 meters (96.608 feet) to the Northern line of grantors property; thence run North 89 degrees 57' 24" East along said Northern property line, a distance of 3.380 meters (11.089 feet) to the point of beginning, containing 0.016 hectares (0.040 acres), more or less and being situated in and a part of Lot 328, Section C, Lake Forest Subdivision as recorded in Plat Book 12, Pages 5-10, Chancery Clerk's Office of DeSoto County, Mississippi, Section 25, Township 1 South, Range 9 West.

WITNESS MY SIGNATURE, this, the 26th day of September, 2003.



John C. Underwood, Jr.
SUBSTITUTED TRUSTEE

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state aforesaid, John C. Underwood, Jr. Substituted Trustee, who

acknowledged to and before me that he executed the foregoing Substituted Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 26th day of September, 2003.


NOTARY PUBLIC


My Commission Expires: October 10, 2004

Grantor's Address:
Post Office Box 16852
Jackson, Mississippi 39236
Phone (601)-981-7773

Grantee's Address:
9350 Waxie Way
San Diego, California 92123
Phone 713-960-9676 ext.8594

Prepared by:
Underwood Law Firm
340 Edgewood Terrace
Jackson, Mississippi 39206
Phone (601)-981-7773

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the CLERK of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

SUBSTITUTED TRUSTEE'S NOTICE OF SALE

WHEREAS, on April 9, 2001, Loreta Shively, a single woman, executed a deed of trust to Rhonda C. Bundy, Trustee for the benefit of First Choice Funding, Inc., which deed of trust is recorded in Deed of Trust Book 1314 at Page 478, corrected and re-recorded in Book 1338 at Page 62 in the office of the Chancery Clerk of the County of DeSoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Bank One, National Association, as Trustee by Instrument dated April 16, 2001, and recorded in the office of the aforesaid Chancery Clerk in Book 1393 at Page 685; and

WHEREAS, the aforesaid Bank One, National Association, as Trustee, the holder of said deed of trust and the note secured thereby, substituted John C. Underwood, Jr., as Trustee therein, as authorized by the terms thereof, by instrument dated July 18, 2003 and recorded in the office of the aforesaid Chancery Clerk in Book 1795 at Page 78; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, Bank One, National Association, as Trustee, having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substituted Trustee's fees and expense of sale;

NOW, THEREFORE, I, John C. Underwood, Jr., Substituted Trustee, in said deed of trust, will on the 26th day of September, 2003, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.) at the Main front door of the County Courthouse at Hernando, County of DeSoto, State of Mississippi, the following described property situated in the County of DeSoto, State of Mississippi, to-wit:

Lot 328, Section C, Lake Forest Subdivision in Section 25, Township 1, Range 9, as shown on plat of record in Plat Book 12, Pages 5-7, in the Chancery Clerk's Office, DeSoto County, Mississippi, to which plat reference is hereby made for a more particular description of said property.

- Volume No. 108 on the 4 day of Sept., 2003
- Volume No. 108 on the 11 day of Sept., 2003
- Volume No. 108 on the 18 day of Sept., 2003
- Volume No. 108 on the 25 day of Sept., 2003
- Volume No. _____ on the _____ day of _____, 2003

Diane Smith

Sworn to and subscribed before me, this 26 day of Sept., 2003

BY Judy H. Douglas

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG 25, 2006
BONDED THRU STEGALL NOTARY SERVICE



- A. Single first insertion of 755 words @ .12 \$ 90.60
- B. 3 subsequent insertions of 2265 words @ .10 \$ 226.50
- C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 320.10

LESS AND EXCEPT:

Begin at the point of intersection of the Northern line of grantors property with the present Western right-of-way line of Lake Forest Drive as shown on the plans for Federal Aid Project No. 45-0021-01-026-10 (100186/201000); from said point of beginning run thence South 00 degrees 13' 37" West along the present Western right-of-way line of said Lake Forest Drive, a distance of 29.005 meters (95.161 feet); thence run Southwesterly along the circumference of a circle to the right having a radius of 7.620 meters (25.0 feet), an arc distance of 12.005 meters (39.388 feet) [said arc having a chord bearing of South 45 degrees 05' 31" West for a distance of 10.802 meters (35.440 feet)] to the present Northern right-of-way line of Bramble Lane South; thence run South 89 degrees 57' 28" West along the present Northern right-of-way line of said Bramble Lane South, a distance of 9.796 meters (32.139 feet); thence run North 62 degrees 55' 30" East, a distance of 15.795 meters (51.821 feet) to a point that is 11.000 meters (36.089 feet) Westerly of and perpendicular to the centerline of survey of Lake Forest Drive relocation at Station 9+020 as shown on the plans for said project at Station 4+543.85; thence run North 00 degrees 13' 37" East along a line that is 11.000 meters (36.089 feet) Westerly of and parallel with the centerline of survey of Lake Forest Drive relocation, a distance of 29.448 meters (96.608 feet) to the Northern line of grantors property; thence run North 89 degrees 57' 24" East along said Northern property line, a distance of 3.380 meters (11.089 feet) to the point of beginning, containing 0.016 hectares (0.040 acres), more or less and being situated in and a part of Lot 328, Section C, Lake Forest Subdivision as recorded in Plat Book 12, Pages 5-10, Chancery Clerk's Office of DeSoto County, Mississippi, Section 25, Township 1 South, Range 9 West.

I WILL CONVEY only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, this the 21st day of August, 2003.

John C. Underwood, Jr.
SUBSTITUTED TRUSTEE
Control #03050886
PUBLISH: 09/04/2003, 09/11/2003, 09/18/2003, 09/25/2003