

DESCRIPTION FOR INDEXING PURPOSES:

Lot 1721, Section G, Southaven West S/D  
Section 22, T1S, R8W, DeSoto County, MS

1/14/08 9:03:10  
BK 576 PG 333  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

RESCISSION DEED

WHEREAS, on August 15, 2000, Keith S. Epler, Married, and wife, Penny Epler, executed a Deed of Trust to Shirley A. Smith, Trustee, for the use and benefit of National City Mortgage Co., dba FNMC, which Deed of Trust is on file and of record in the office of the Chancery Clerk of DeSoto County, Mississippi, in Deed of Trust Book 1243 at Page 112 thereof; and

WHEREAS, the legal holder and beneficiary of said deed of trust, in accordance with the terms of said Deed of Trust, substituted Lem Adams, III, in place and stead of the original Trustee named in said Deed of Trust by Substitution of Trustee Instrument which is on file and of record in the office of the aforesaid Chancery Clerk in Book 2498 at Page 604 thereof, the said Lem Adams, III, being granted all the rights, powers and privileges of the said original Trustee named in said Deed of Trust; and

WHEREAS, default having been made in the terms and conditions of said Deed of Trust and the entire indebtedness secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, National City Mortgage Co., dba FNMC, the legal holder of said indebtedness, authorized the aforesaid substituted trustee to execute the trust and sell said land and property at public outcry, within the legal hours, on October 23, 2007, at the East front door of the DeSoto County Courthouse, at Hernando, Mississippi; and

WHEREAS, on October 23, 2007, between the hours of 11:00 A.M. and 4:00 P.M., the within described property was offered for sale and sold to an agent for National City Bank, the same being the highest and best bidder, for the sum of Seventy-Four Thousand Six Hundred Seventeen and Forty-Five / 100 Dollars (\$74,617.45); and

WHEREAS, on October 25, 2007, after the time of the foreclosure sale, the Keith S. Epler and Penny Epler filed Bankruptcy Case No. 07-13887DWH, in the United States Bankruptcy Court for the Northern District of Mississippi, and thereafter, filed Adversary Proceeding No. 07-01208 contesting the validity of the referenced foreclosure and resulting Substitute Trustee's Deed.

WHEREAS, National City Mortgage Co., dba FNMC and National City Bank and Keith S. Epler and Penny Epler agreed to a compromise and settlement of all matters raised in the Adversary Proceeding; and thereafter, the United States Bankruptcy Court for the Northern District of Mississippi, on December 19th, 2007, entered an Order setting forth the terms of said compromise and settlement (a copy of which is attached).

WHEREAS, under the terms of said Order the foreclosure of the property located at 2066

*Adams*

Brookhaven Drive, Southaven, Mississippi, as well as the Substitute Trustees Deed recorded on October 26, 2007, in Deed Book 571 at Page 429 of the land records in the office of the Chancery Clerk of DeSoto County, Mississippi, were set aside and voided; and

WHEREAS, the undersigned desire to formally correct the land records of DeSoto County, Mississippi, in order to reflect the avoidance of said foreclosure sale and the Substitute Trustee's Deed filed and recorded subsequent to said sale by and through a reconveyance of title.

NOW THEREFORE, FOR CONSIDERATION OF THE SUM OF TEN DOLLARS (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned, NATIONAL CITY BANK, does hereby sell, convey and quitclaim unto Keith S. Epler, Married, and wife, Penny Epler, executed a Deed of Trust, the following described land and property situated in DeSoto County, Mississippi, to-wit:

Lot 1721, Section G of Southaven West Subdivision, on Section 22, Township 1 South, Range 8 West, as per plat thereof recorded in Plat Book 3, Pages 31 and 32, in the office of the Chancery Clerk of DeSoto County, Mississippi, and being the same land conveyed to Joe Vern Ball, et ux, by Deed dated June 12, 1965, and recorded in Book 52, Page 253, of the deed records of DeSoto County, Mississippi.

This conveyance is subject to the above referenced Deed of Trust executed by Keith S. Epler, Married, and wife, Penny Epler, executed a Deed of Trust to Shirley A. Smith, Trustee, for the use and benefit of National City Mortgage Co., dba FNMC, which Deed of Trust is on file and of record in the office of the Chancery Clerk of DeSoto County, Mississippi, in Deed of Trust Book 1243 at Page 112 thereof. By their acceptance of this conveyance, Keith S. Epler and Penny Epler and any all subsequent owners, successors and/or assigns agree to be bound by the terms and conditions of said Deed of Trust as well as the Promissory Note dated August 15, 2000, secured by said referenced Deed of Trust to the same extent as though the foreclosure sale above referenced had never taken place. This instrument is recorded as evidence of the acceptance and ratification by all parties to this instrument of the terms, conditions and agreements contained in said Deed of Trust.

IN WITNESS WHEREOF, the said National City Bank has caused this instrument to be executed in its name and on its behalf by the undersigned officer of National City Bank.

THIS the 19th day of December, 2007.

DOROTHY J. THOMAS  
NATIONAL CITY BANK

By: 

Its: MORTGAGE OFFICER

STATE OF OHIO  
COUNTY OF MONTGOMERY

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this 19th day of December, 2007, within my jurisdiction, the within named Dorothy J. Thomas, who acknowledged that (he)(she) is MORTGAGE OFFICER of National City Bank, and for and on behalf of the said entity, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said entity so to do.

GIVEN under my hand and official seal of office on this the 19th day of December, 2007.

  
NOTARY PUBLIC

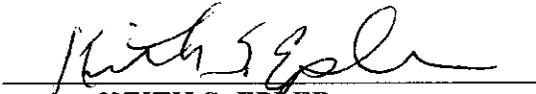
ROCHELLE ESTEP, Notary Public  
In and for the State of Ohio  
My Commission Expires: 8/30/12

My Commission Expires:

August 30, 2012

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

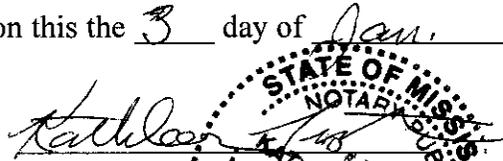
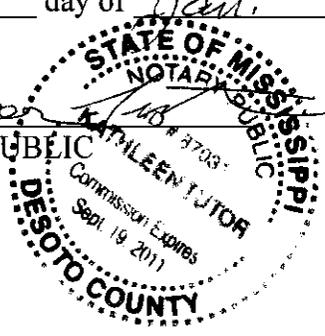
AGREED AND ACCEPTED BY:

  
KEITH S. EPLER

  
PENNY EPLER

PERSONALLY came and appeared before me, the undersigned in and for the said county and state within my jurisdiction, the within named Keith S. Epler and Penny Epler, who acknowledged that they executed the above and foregoing instrument on the date mentioned therein.

GIVEN under my hand and official seal of office on this the 3 day of Jan., 2008.

  
NOTARY PUBLIC  


My Commission Expires:

9, 19, 2011

Grantor: Address: Post Office Box 1820, Miamisburg, OH, 45342  
Telephone: (937) 910-1623

Grantees: Address: 2066 Brookhaven Drive, Southaven, MS 38671  
Telephone: ( ) NA

PREPARED BY:

Bradley P. Jones, Adams & Edens, P.A.,  
P.O. Box 400, Brandon, MS 39043  
(601) 825-9508

UPON RECORDATION RETURN TO:

Lauren Webb, Webb & Franklin, PLLC,  
P.O. Box 972, Cleveland, MS 38732  
(662) 843-3080