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NASHVILLE & AMERICAN TRUST CO EXCTR.

TO

DAVIDSON CO BOARD OF EDUCATION

WHEREAS, MRS. RUTH ANDERSON JOY, THE SURVIVING WIDOW OF THOMAS S. JOY, DECEASED, MRS. ELLEN HARRISON AND HUSBAND, CALVIN B. HARRISON, MRS. ANNIE SLOAN AND HUSBAND, PAUL L. SLOAN,MRS. BESSIE GLENN AND HUSBAND, JOHN P.GLENN, AND MRS. VIRTORIA HORN, AND HUSBAND, FRANK HORN, HAVE HERETOFORE TRANSFERRED, CONVEYED AND QUITCLAIMED UNTO NASHVILLE TRUST COMPANY, EXECUTOR UNDER THE WILL OF THOMAS S. JOY, DECEASED, ALL OF THE RIGHT, TITLE AND INTEREST WHICH THEY AND EACH OF THEM HAD IN AND TO CERTAIN REAL ESTATE OWNED BY THE SAID THOMAS S. JOYNAT THE TIME OF HIS DEATH, WHICH AMONG OTHER PROPERTY, INCLUDES THAT HEREINAFTER DESCRIBED, AND WHICH DEED IS DUDY RECORDED IN BOOK 752 PAGE 131, OF THE REGISTER'S OFFICE FOR DAVIDSON COUNTY,TENNESSEE, TO WHICH REFERENCE IS HERE MADE; AND

WHEREAS, IN THE DEED AFORESAID NASHVILLE TRUST COMPANY AS EXECUTOR, WAS GIVEN FULL POWER AND DISCRETION TO SELL SAID REAL ESTATE AT SUCH TIMES AND PLACES, AND UPON SUCH TERMS AS IN ITS JUDGMENT MIGHT BE WISE, AND TO EXECUTE A PROPER DEED OR DEEDS OF CONVEYANCE TO THE PURCHASER WITHOUT THE NECESSITY OF ANY BENEFICIARY JOINING THEREIN; AND

WHEREAS, DAVIDSON COUNTYBOARD OF EDUCATION HAS AGREED TO ERECT A PUBLIC SCHOOL BUILDING OR BUILDINGS ON A PART OF SAID PROPERTY, SUBHECT TO CERTAIN CONDITIONS, STIPULATIONS AND AGREEMENTS HEREINAFTER SET OUT, PROVIDED THE PARTIES IN INTEREST WILL EXECUTE PROPER DEED OR DEEDS CONVEYING THE PROPERTY IN QUESTION TO THE SAID DAVIDSON COUNTY BOARD OF EDUCATION, AND ALL OF THE PARTIES IN INTEREST HAVE AGREED SO TO DO, AND HAVE SO ADVISED THE EXECUTOR, WHOSE CORPORATE NAME, SINCE THE EXECUTION OF THE AFORESAID DEED, HAS BEEN CHANGED FROM NASHVILLE TRUST COMPANY TO NASHVILLE & AMERICAN TRUST COMPANY BY PROPER CORPORATE ACTION,AND HAVE REQUESTEDSSAID EXECUTOR TO FORTHWITH EXECUTE SAID DEED, BUT SOME QUESTION HAS ARISEN AS TO THE RIGHT AND AUTHORITY OF THE SAID EXECUTOR UNDER THE QUITCLAIM DEED AFORESAID, TO EXECUTE A DEED OF GIFT, AND ALL PARTIES IN INTEREST, INCLUDING SAID EXECUTOR, AGREEING THAT SAID TRANSACTION IS MANIFESTLY TO THE GREAT BENEFIT OF THE ADJOINING AND ADJACENT LAND WHICH BELONGS TO SAID PARTIES, AND IN FACT THE TRANSACTION BEING IN THE NATURE OF A BARGAIN AND SALE IN CONSIDERATION OF THE COVENANTS, AGREEMENTS AND STIPULATIONS TO BE PERFORMED BY THE SAID DAVIDSON COUNTY BOARD OF EDUCATION:; AND

WHEREAS, IN ORDER TO FURTHER ASSURE AND MAKE CERTAIN THE TITLE, THE ABOVE NAMED PERSONS WHO WERE DEVISEES UNDER THE AFORESAID WILL OF THOMAS S. JOY, AND WHO JOINED IN THE AFORESAID QUITCLAIM DEED, TO WIT: RUTH ANDERSON JOY, VICTORIA HORN AND HUSBAND, FRANK HORN, ANNIE J.SLOAN, NOW A WIDOW, HER HUSBAND, PAUL L.SLOAN, ALTHOUGH JOINING IN THE AFORESAID QUITCLAIM, HAVING NO LEGAL INTEREST THEREIN, BESSIE GLENN AND HUSBAND, JOHN P. GLENN ,AND THE HEIRS OF ELLEN HARRISON, NOW DECEASED, TO WIT: C.J. HARRISON, TOM HARRISON, PHILIP HARRISON, HERBERT HARRISON, BESSIE MAI DEEMER, AND MILDRED O'BRIAN, HAVE AGREED TO JOIN IN THE DEED TO BE EXECUTED BY THE SAID NASHVILLE & AMERICAN TRUST COMPANY, EXECUTOR AS AFORESAID, AND TO CONVEY AND QUITCLAIM THEREIN ALL OF THEIR RIGHT, TITLE AND INTEREST IN AND TO THE PREMISES

HEREINAFTER DESCRIBED;

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES, AND THE COVENANTS, CONDITIONS, PROVISIONS AND STIPULATIONS HEREINAFTER SET OUT, NASHVILLE & AMERICAN TRUST COMPANY, AS EXECUTOR OF THE WILL OF THOS S.JOY ,DECEASED, HAS BARGAINED AND SOLD AND BY THESE PRESENTS DOES HEREBY TRANSFER AND CONVEYE UNTO THE SAID DAVIDSON COUNTY, BOARD OF EDUCATION, ITS SUCESSORS, AND ASSIGNS , A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY,STATE OF TENNESSEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

A TRACT OF LAND IN THE 12TH, FORMERLY THE 17TH, CIVIL DISTRICT OF DAVIDSON COUNTY, TENNESSEE, BEING PART OF LOT NO.4 ON THE PLAN OF THE WILLIAM WHITE LANDS, AS OF RECORD IN PLAN BOOK NO.1, PAGE 115, OF THE CHANCERY COURT AT NASHVILLE, FOR SAID COUNTY, DESCRIBED ACCORDING TO SAID PLAN AND A SURVEY MADE BY E.R.SOUTHGATE, SURVEYOR, AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A PROPOSED 60 FOOT STREET, LOCATED 312-1/2 FEET SOUTHERLY FROM TRINITY AVENUE AND LISCHEY AVENUE; RUNNING THENCE SOUTHERLY, WITH THE EASTERLY SIDE OF SAID LISCHEY AVENUE, 312-1/2 FEET TO ANOTHER PROPOSED 60 FOOT STREET; THENCE EASTERLY WITH THE NORTHERLY SIDE OF SAID LAST NAMED PROPOSED STREET, 950 FEET, MORE OR LESS, TO JONES AVENUE; THENCE NORTHERLY, WITH THE WESTERLY SIDE OF JONES AVENUE, 312-1/2 FEET TO SAID FIRST NAMED PROPOSED STREET; THENCE WESTERLY WITH THE SOUTHERLY SIDE OF SAID FIRST NAMED PROPOSED STREET, 950 FEET, MORE OR LESS, TO THE BEGINNING

AND WE, RUTH ANDERSON JOY, VICTORIA HORN AND HUSBAND, FRANK HORN, ANNIE J. SLOAN, BESSIE GLENN AND HUSBAND, JOHN P.GLENN, C.J.HARRISON, TOM HARRISON, PHILIP HARRISON, HERBERT HARRISON, BESSIE MAI DEEMER, AND MILDRED O'BRIAN, DO HEREBY QUITCLAIM AND CONVEY UNTO SAID DAVIDSON COUNTY BOARD OF EDUCATION, ITS SUCCESSORS AND ASSIGNS, ALL OF OUR RIGHT, TITLE AND INTEREST OF EVERY NATURE WHATSOEVER, IN AND TO THE FOREGOING PROPERTY.

TO HAVE AND TO HOLD THE SAID TRACT OR PARCEL OF LAND, WITH THE APPURTENANCES, ESTATE, TITLE AND INTEREST THERETO BELONGING TO SAID DAVIDSON COUNTY BOARD OF EDUCATION, ITS SUCCESSORS AND ASSIGNS, FOREVER, SUBJECT, HOWEVER, TO THE FOLLOWING COVENANTS, CONDITIONS, PROVISIONS AND STIPULATIONS, WITHOUT WHICH THIS CONVEYANCE WOULD NOT HAVE BEEN MADE:

1. DAVIDSON COUNTY BOARD OF EDUCATION AGREES TO ERECT AND MAINTAIN ON THE PREMISES AFORESAID, A SCHOOL BUILDING OR BUILDINGS TO BE USED SOLELY FOR WHITE CHILDREN, AND THAT CONSTRUCTION ON SUCH BUILDING OR BUILDINGS WILL BE BEGUN NOT LESS THAN SIX MONTHS FROM THE DATE OF THIS DEED, WHICH SCHOOL BUILDING OR BUILDINGS SHALL BE NAMED AND KNOWN AS THE THOMAS C.JOY SCHOOL, AND NONE OF THE PROPERTY ABOVE DESCRIBED SHALL EVER BE USED FOR ANY OTHER THAN SCHOOL PURPOSES, NOR WILL ANY PART OF SAID PROPERTY EVER BE USED FOR THE EDUCATION OF ANY PERSONS OTHER THAN WHITE CHILDREN, ALL WHICH SHALL BE A CONDITION PRECEDENT AND SHALL RUN WITH THE LAND AND SHALL BE CONSTRUED AS SUCH.

2. IN THE EVENT OF A VIOLATION OF ANY OF THE FOREGOING COVENANTS, CONDITIONS, PROVISIONS AND STIPULATIONS, THE TITLE HEREIN GRANTED SHALL REVERT AND REVEST IN THE HEIRS OF THE SAID THOMAS S.JOY, DECEASED, AND THE RIGHT OF RE-ENTRY IS EXPRESSLY RESERVED IN AND TO SAID HEIRS IN THE EVENT OF DEFAULT.

AND WE, VICTORIA HORN AND HUSBAND, FRANK HORN, ANNIE J.SLOAN, BESSIE GLENN AND HUSBAND, JOHN P.GLENN, C.J.HARRISON, TOM HARRISON, PHILIP HARRISON, HERBERT HARRISON, BESSIE MAI DEEMER, AND MILDRED O'BRIAN, DO COVENANT WITH THE SAID