00691

THIS INSTRUMENT PREPARED BY HARRIS A. GILBERT,
1310 Nashville Bank & Trust Building
Nashville, Tennessee

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY
STATE OF TENN

New Owner and Mail Tax Notices
to:
Harris Gilbert, Trustee
245 Ensworth
Nashville, Tennessee

DEC 21 2 00 PM '67
BOOK 4190 PAGE 34
RECORDING FEE $ 1200
DEP. REG. C

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ELEVEN THOUSAND THREE HUNDRED TWENTY-FOUR & no/100($11,324.00) DOLLARS, cash in hand paid, and love and affection, I, LEON GILBERT, an unmarried man, have this day bargained and sold, and do hereby transfer and convey to HARRIS A. GILBERT, TRUSTEE, the following tracts or parcels of land in Davidson County, Tennessee:

Tract #1 Map 81-15 Par. 362-363 m.o.
Being Lots Nos. 5 and 6 in Bransford Realty Company's Subdivision of part of the Corlew Property, as of record in Book 421, page 78, R.O.D.C., Tennessee. Said Lots Nos. 5 and 6 front 35 feet each on the southerly side of Thompson Street, and runs back 162 feet to an alley, and each shows 34-1/2 feet thereon.
Being the same property conveyed to Mary L. Wiley, then Mary L. Duke, by deeds from Bransford Realty Company, the deed to Lot No. 6 being of record in Book 473, page 309, R.O.D.C., Tenn., and the deed to Lot No. 5 being of record in Book _____, page _____, R.O.D.C., Tenn., to both of which deeds reference is here made.

Being the same property conveyed to Leon Gilbert by deed from Elkin Garfinkle, Trustee, of record in Book 2392, page 293, R.O.D.C., Tennessee.

Tract #2 Map 81-15 P. 387
Land in Davidson County, Tennessee, being Lot No. 4 on the Map of Underwood Plan of Lots, of record in Book 21, Page 117, Register's Office for said County.
Said Lot No. 4 fronts 50 feet on the northerly side of Heiman Street and runs back between parallel lines 162 feet to an alley.
Being property devised to Mrs. J. Cunningham, Mrs. J. H. Henderson and Mrs. J. Garberry as devisees under the will of D. P. O'Connor, deceased, of record in Will Book 39, Page 120, County Court Clerk's Office for Davidson County, Tennessee.
Being the same property conveyed to Leon Gilbert by deed from John B. Cobb, Clerk, of record in Book 1911, page 467, R.O.D.C., Tennessee.

Tract #3 Map 81-15 Par. 386
Being the easterly 33-1/3 feet of Lot No. 5 on Underwood's Plan of Lots as of record in Book 21, page 117, Register's Office for Davidson County, Tennessee.
Said easterly part of Lot No. 5 fronts 33-1/3 feet on the northerly side of Heiman Street, and runs back between parallel lines 162 feet to an alley.
Being the same property conveyed by Leon Gilbert to Robert Bell and wife, Lillian Bell, by deed of record in Book 1757, page 484, R.O.D.C., Tenn., all interest in said property having been divested out of the said Robert Bell, and vested in the undersigned Lillian Bell, by decree of the Circuit Court of Davidson County, Tennessee, in the cause of Lillian

Bell versus Robert Bell, being Rule No. 22704 of said Court, which decree is of record in Minute Book No. 48, page 202, of said Court, and is dated November 28th, 1952, to which reference is here made.
Being the same property conveyed to Leon Gilbert by deed from Lillian Bell, an unmarried woman, of record in Book 2393, page 181, R.O.D.C., Tennessee.

Map 92-6 Par. 169

Tract #4
Being Lots Nos. 10 and 11 in Block "C" Plan of the Fisk University Subdivision, which plan is of record in Book 421, pages 4 and 5, Register's Office for Davidson County, Tennessee.
Said Lots join each other and front together 50 feet on the southerly side of Clare Street and extend back between parallel lines and ~~along~~ the easterly margin of 29th Avenue, North, 177 feet to an alley, between parallel lines to an alley.
~~Being the same property conveyed to Mary Dyer by deed from Leon Gilbert, of record in Book 2314, page 274, R.O.D.C., Tennessee, to which reference is made.~~
Being the same property conveyed to Leon Gilbert by deed from Mary Dyer, an unmarried woman, of record in Book 4069, page 106, R.O.D.C., Tennessee.

Map 82-16 Par. 397

Tract #5
Being Lot No. 255 on the plan of Williams Second Addition to Edgefield, now East Nashville, as of record in Book 21, page 60, Register's Office for said County. Said Lot No. 255 fronts 64.5 feet on the southerly side of Shelby Avenue and runs back between parallel lines, with the westerly margin of South 9th Street, 175 feet to an alley.
Being the same property devised to Mrs. Charles Dunn under the last will and testament of Maria Louisa Allfriend, whose foreign will is probated of record in Will Book 72 Page 205 County Court Office, Davidson County, Tennessee.
Being the same property conveyed to A. S. Weinbaum, Jr., and Leon Gilbert by deed from Augusta Dunn and Charles E. Dunn of record in Book 2993, page 560, R.O.D.C., Tennessee, and the said A. S. Weinbaum, Jr. having quit claimed his interest in said property by deed to Leon Gilbert of record in Book 4197, page 555, R. O. D. C., Tennessee.

Map 93-14 Par. 57

Tract #6
Being the north part of Lot No. 1 on the Map of Calender's Addition, of record in Minute Book "E", page 325, Chancery Court of Nashville, Tennessee, as follows: Said part of said lot fronts 30 feet on the easterly side of Overton Street and runs back between parallel lines, along the south margin of Division Street, 145 feet to an alley.
Being part of the real property conveyed to the undersigned Jerome Bradley by deed from Mrs. Maude E. Miller, dated July 31, 1953, filed August 3, 1953, and recorded in Book 2155, page 133, R.O.D.C., Tennessee, to which reference is here made.
Being the same real property conveyed to Leon Gilbert from Jerome Bradley and wife, Etheris S. Bradley by deed of record inBook 3317, page 173, R.O.D.C., Tennessee.

~~Map 93-14 P. 56~~

Tract #7
(a) Being the north part of Lot No. 1 on the Map of Calender's Addition, of record in Minute Book "E", page 325, Chancery Court at Nashville, Tennessee, as follows:
Said part of said lot fronts 30 feet on the easterly side of Overton Street and runs back between parallel lines, along the south margin of Division Street, 145 feet to an alley.
(b) Being the easterly part of Lot No. 35 on the Plan of Bass' First Addition, as of record in Book 21, page 114,

Register's Office for Davidson County, Tennessee, described as follows: Map 93-14 Par. 17
Beginning at the northeast corner of Division and Overton Streets; thence with the easterly margin of Overton Street northwardly 90 feet; thence at right angles eastwardly 30 feet; thence at right angles southwardly 90 feet to the northerly margin of Division Street; thence with said street westwardly 30 feet to the beginning.
Being the same real property conveyed to Leon Gilbert and A. S. Weinbaum, Jr., by deed from Elkin Garfinkle, Trustee, of record in Book 3709, page 119, R.O.D.C., Tennessee; and the said A. S. Weinbaum, Jr., having quit claimed his interest to Leon Gilbert by deed of record in Book 4199, page 555, R.O.D.C., Tennessee.

Map 45 Par. 6
Map 46 Par. 1

Tract #8
Land in the 13th, formerly the 25th, and the 14th, formerly the 24th Civil Districts of Davidson County, Tennessee, known as the Setters Place, described partly according to a survey made by John Setters, Surveyor, March, 1945, and partly according to a survey made by George W. Watkins, Surveyor, June 29, 1951, as follows:

Beginning at a point in the center of the New Little Marrowbone Road, at the southwest corner of a 3 acre tract of land conveyed to William D. Wilkerson by deed from A. B. Ricks and wife, of record in Book 1517, page 38, Register's Office for said County; thence with the center of said road, south 12 degrees west 129 feet and south 22 degrees west 320 feet; thence south 29 degrees east 273 feet to a point in Little Marrowbone Creek; thence with said Creek south 35 degrees west 297 feet; thence leaving said Creek north 88 degrees west 142 feet to the center of Old Little Marrowbone Road; thence with the center of said Road, north 41 degrees West 100 feet to the center of said New Little Marrowbone Road; thence with the center of said new Road, south 33 degrees west 215 feet; thence leaving said road south 67 degrees 30 feet east 362 feet to a 4 inch sycamore, thence south 5 degrees west 606 feet to a stake; thence south 45 degrees west 77 feet to a pile of stone in an old stump; thence south 14 degrees 30 feet east 99 feet; thence southwardly 400 feet to a high bluff; thence north 31 degrees east 711 feet to an iron pin; thence north 46 degrees 30 feet east 288 feet to an iron pin; thence south 82 degrees east 548 feet to a large sycamore in Archy Branch; thence south 2 degrees 30 feet west 1575 feet to an iron pin; thence south 87 1/2 degrees east 2210 feet to an iron pin; thence south 2 degrees west 582 feet to a stone; thence south 88 degrees east 5115 feet to a red oak; thence north 2 degrees east 2986 feet to a stake; thence north 88 degrees west 5115 feet to an iron pin; thence north 2 degrees east 650 feet to an iron pin; thence north 88 degrees west 2205 feet to two beeches; thence north 2 degrees east 582 feet to the center of said Little Marrowbone Creek in said W. Wilkerson's eastern boundary line; thence with said Wilkerson's eastern boundary line southwardly to Wilkerson's southeast corner; thence with Wilkerson's southern boundary line, north 73 degrees 30 feet west 136 feet to the beginning, containing 540 acres, more or less.
Being the same property conveyed to C. W. Smith and Jake West by deed from Ella Mai Ricks of record in Book 2013 page 233, said Register's Office.

Being the same real property conveyed to Leon Gilbert in the cause of Morris Granville Smith v. Carl Smith, Chancery Court 78141, Part One, Minute Book 183, page 30, recorded in Book 2742, page 579, R.O.D.C.,Tennessee.

Map 93-14 P. 56

Tract #9
Being the south part of Lot No. 1 on the Map of Calender's Addition, of record in Minute Book E, page 325, Chancery Court at Nashville, Tennessee.
Said part of said Lot fronts 40 feet on the easterly side of Overton Street, and runs back easterly from a point 30 feet from the south margin of Division Street, 145 feet to an alley, thence with said alley, southerly 68.5 feet, more or less, thence westerly 145 feet; thence northerly to the point of beginning.
Being the same property conveyed to Leon Gilbert by deed from Gertrude Jenkins, an unmarried woman, of record in Book 3311, page 317, R.O.D.C., Tennessee, to which reference is here made.

TO HAVE AND TO HOLD the said tracts or parcels of land, with the appurtenances, estate, title and interest thereto belonging to the said Harris A. Gilbert, Trustee, who shall hold said properties for the use and benefit of himself, individually, his sister, Pauline Gilbert, and his brother, Charles Gilbert, Jr., as herein set out:

Said properties shall be held by the said Harris A. Gilbert, trustee, with full power and authority to sell, subdivide, exchange, improve, mortgage and lease for any period of time, though extending beyond the term of the trust, in whole or in part, without the consent or joinder of any beneficiary or without the authority of any Court, as he, in his judgment, may deem beneficial for said trust.

Neither the named trustee nor any successor in trust shall be required to give bond or account or report to any Court and the trustee may exercise any and all powers herein granted, authorized or vested in the trustee, in the sole and absolute discretion of the trustee, without obtaining the consent or joinder of any beneficiary or the approval of any Court. Wherever the term "trustee" is used herein, it shall apply to the named trustee and any and all successors in trust, unless the context requires otherwise.

The trustee shall divide the net income equally between said beneficiaries. The trustee shall be, and is hereby authorized to collect the rents and shall distribute net rents to the beneficiaries as their respective interests appear, after providing for the payment of taxes, insurance premiums, costs and expenses of maintenance and repair, and of leasing, collecting rents and operating said properties; and, if he sees fit, the trustee may set up and maintain a depreciation account for use in renovating, adding to, or maintaining the properties from time to time. The trustee shall be, and is hereby empowered to execute any and all deeds, contracts, leases, and other paper writings, to being suit and prosecute claims in connection therewith.

In the event of the sale of said properties, the trustee is to reinvest the proceeds and hold same under the same trust; all grantees or purchasers from said trustee and any mortgagees, lessees, or any other persons dealing with said trustee, or any successors in trust, are hereby completely relieved from any duty or obligation to

see to the reinvestment of the proceeds in any transaction with the trustee, or any successors in trust.

This trust shall terminate on January 1, 1987, or upon the death of the last to survive as between Harris A. Gilbert, Pauline Gilbert, and Charles Gilbert, Jr. On termination of the trust, the corpus and any undistributed income or accumulated funds shall be distributed to the then living beneficiaries, as tenants in common. In the event of the death of any one or more of the beneficiaries before the termination of the trust, the interest of such beneficiary shall vest to the date of termination of the trust in the Executor of his or her Last Will and Testament, according to the terms of said Last Will and Testament, or if he or she should die intestate, the interest of such beneficiary shall vest to the date of termination ofthe trust in his or her heirs and distributees under the laws of intestate succession of the State of Tennessee, subject to all of the provisions of said Warranty Deed for these properties to remain in trust with Harris A. Gilbert, Trustee, or successor trustee, until January 1, 1987.

During the existence of said trust, the trustee and said successor trustees shall have such powers hereinabove described, in addition to those provided by law, and shall be excused from performing certain duties required by law as hereinbefore set forth.

Neither the corpus nor the income of said trust in the hands of the trustee or substitute trustee shall be subject to anticipation or assignment, by any beneficiary in any manner whatsoever; nor shall the same be in any way distrained or subjected to payment of any beneficiary's debts, contracts, liabilities or obligations (marital or otherwise) of any nature, and in any event whatsoever by process of law or otherwise.

The trustee shall keep on hand at the place of business of the trustee, or any other place designated by the respective trustees, convenient for and available to the inspection of the beneficiaries, or the representative of the beneficiaries, during any and all business hours of any business day, full, true and complete

records and current accounts, and a full report and accounting shall be furnished each beneficiary each year, or more often, if the trustee so elects.

Should the said Harris A. Gilbert, Trustee for any reason fail or cease to qualify or serve or be unwilling to serve as trustee during the term of said trust, Joe Gilbert, Jr., shall be vested with title to the corpus of the trust, as successor trustee, with all power and authority herein vested in the original trustee. Should both said trustee and substitute trustee fail or refuse or cease to serve as such, the beneficiaries, or a majority of them, are authorized to appoint a substitute trustee by an instrument in writing registered in the Register's Office for Davidson County, Tennessee.

TO HAVE AND TO HOLD the said tract or parcels of land, with the appurtenances, estate, title and interest thereto belonging to the said Harris A. Gilbert, Trustee, his successors and assigns, forever, subject to the provisions hereinabove set out.

And I do covenant with the said Harris A. Gilbert, Trustee, that I am lawfully seized and possessed of said land in fee simple; have a good right to convey it,and the same is unencumbered.

IN TESTIMONY WHEREOF, I have hereunto set my hand this the 18th day of December, 1967.

Leon Gilbert
LEON GILBERT



STATE TAX $ 16.50
PROBATE .50
TOTAL $ 17.00

DEC 21 1967

R. E. WORRALL
COUNTY COURT CLERK
DAVIDSON COUNTY, TENN.
PAID DEC 21 1967

STATE OF TENNESSEE)
:
COUNTY OF DAVIDSON)

Personally appeared before me, Nancy Edwards, a Notary Public in and for the said County and State, the within named LEON GILBERT, the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS MY HAND and official seal at Nashville, Tennessee, this 18th day of December, 1967.

Nancy Edwards
NOTARY PUBLIC

My Commission Expires:

January 21, 1971

NANCY EDWARDS
NOTARY PUBLIC
DAVIDSON COUNTY, TENN.