PREPARED BY: J. Donnally Smith
2751 Buford Highway N.E.
Atlanta, Georgia, 30324

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STATE OF GEORGIA
COUNTY OF DEKALB

WARRANTY DEED

THIS INDENTURE, Made this 3rd day of July, A.D., 1974

BETWEEN PAN-HANS PROPERTIES, LTD., a Georgia Corporation licensed to do business in the State of Tennessee,

having its principal place of business in the County of DeKalb, and State of Georgia, party of the first part, and

ARTHUR W. VINER and THOMAS G. DAVIS, JR., as Trustees under the Restated Declaration of Trust, dated as of December 14, 1971, as amended, establishing ICM Realty, a Maryland Real Estate Investment Trust, having offices at 600 Third Avenue, New York, N.Y.

party of the second part,

W I T N E S S E T H :

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and its successors and assigns forever, all that certain parcel of land lying and being in the County of Davidson and State of Tennessee, more particularly described as follows:

A tract of land in the 5th Civil District of Davidson County, Tennessee, being more particularly described as follows:

BEGINNING at an existing concrete monument on the northerly margin of Bell Road, said point also being on common line with the aforesaid property and Lot No. 1 of the Carper Center as of record in Book 3700, page 150, Reigster's Office for Davidson County, Tennessee; thence with said margin in a northwesterly direction, North 89° 19' West a distance of 428.65 feet to an iron pin; thence with the same, North 77° 57' West, a distance of 101.42 feet to an iron pin; thence with the same, North 89° 19' West, a distance of 43.07 feet to an existing iron pin, said pin being on common line between aforesaid property and Attorney's Title property; thence, leaving said margin on common line; North 00° 41' 00" East, a distance of 483.6 feet to an existing iron pin; thence North 48° 05' 30" east, a distance of 168.6 feet to an existing iron pin on the westerly margin of Cane Ridge Road; thence with said margin southerly with a curved line to the left having a radius of 814.04 feet a distance of 160.7 feet to an existing iron pin; thence South 53° 13' 09" East, a distance of 157.86 feet to an existing iron pin; thence with a curved line to the left having a radius of 369.07 feet a distance of 97.45 feet to an existing iron pin; thence South 68° 21' East, a distance of 5.29 feet to an existing iron pin; thence leaving said margin, South 47° 57' 30" West, a distance of 11.55 feet to an iron pin; thence with the aforesaid margin in a southerly direction, South 68° 21' East, a distance of 125.66 feet to an iron pin; thence leaving said margin on common line between aforesaid property and Robert A. McDowell's property, South 42° 26' West, a distance of 166.83 feet to an iron pin; thence South 47° 33' East, a distance of 150.0 feet to an iron pin the northwest corner of Lot No. 1 of the Carper Center; thence with the aforesaid property, South 00° 41' West, a distance of 92.69 feet to the point of beginning, and containing 253,819 square feet or 5.83 acres as per survey by Parrish-Ragan Inc., dated July 17, 1972.

BEING the same property conveyed to Pan-Hans Properties, Ltd., a Georgia Corporation, by deed from Robert A. McDowell and wife, Patricia McDowell, of record in Book 4640, page 733, Register's Office for Davidson County, Tennessee.

Tax Statements to be sent to: J. Donnally Smith
c/o First American Innkeepers
2751 Buford Highway N. E.
Atlanta, Georgia 30324

New Purchaser: Arthur W. Viner & Thomas G. Davis, Jr., as Trustees
600 Third Avenue
New York, New York

RESERVING unto the Grantor all buildings and structures now located thereon, (including, without limitation, all fixtures and equipment located therein or associated therewith) and all leases executed by the Grantor as lessor for occupancy of such buildings and structures, provided that such reservation is subject to the terms of a certain Agreement of Lease dated June 10, 1974, between the Grantor as lessee and the Grantee as lessor, and the rights of the Grantor so reserved shall terminate on the termination of the lease term, whether by expiration of time or otherwise and title to such buildings, structures and occupancy leases shall thereupon revert to the Grantee.

This conveyance is made subject to the lien of that certain Deed of Trust dated December 14, 1973, in favor of The Prudential Insurance Company of America, recorded Book 4772, page 894, Davidson County Records, Tennessee.

TO HAVE AND TO HOLD the above described premises with the appurtenances unto the said party of the second part, its successors and assigns, in fee simple forever.

And the said party of the first part does hereby covenant with the said party of the second part that said property is free from all liens and encumbrances except the Deed of Trust set out above, and except for covenants, restrictions and easements of record, as set forth on Exhibit A attached hereto and made a part hereof.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, that it is lawfully seized in fee of the described property and that it has good right to sell and convey the same.

IN WITNESS WHEREOF, the said Party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its Secretary, the day and year above written.

PAN-HANS PROPERTIES, LTD., a Georgia Corporation licensed to do business in the State of Tennessee

Attest: Cleo Brisk, Secretary By: James J. Mahan, President

Signed, sealed and delivered in our presence:

Susan G. Stubbs

Martha D. Hibbett

63401

TOERTIF. REFERENCE

JUL 17 4 08 PM '74

FELIX Z. WILSON II REGISTER DAVIDSON COUNTY, TENN.

| | | | | | |
|---|---|---|---|---|---|
| JUL 17 | CONV | * | | 243.000 00 | |
| JUL 17 | S'TAX | | A* | 631.80 | |
| JUL 17 | PRFEE | | A* | .50 | |
| JUL 17 | W'DEED | | A* | 10.00 | * 642.30 |

STATE OF GEORGIA

COUNTY OF DEKALB

Before me, Phyllis Hendrix, of said state and county aforesaid, personally appeared JAMES J. MAHAN, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of Pan-Hand Properties, Ltd., the within named bargainor, a corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

Witness my hand and official seal, at office in Atlanta, Georgia, this 2 day of July, 1974.

Phyllis Hendrix
Notary Public

My commission expires:
Notary Public, Georgia, State at Large
My Commission Expires Mar. 8, 1978

STATE OF GEORGIA
COUNTY OF DEKALB

Before me, Phyllis Hendrix, of said State and County aforesaid, personally appeared Evi Bush, with whom I am personally acquainted, and who, upon oath, acknowledged herself to be Secretary of Pan-Hans Properties, Ltd., the within named bargainor, a corporation, and that she as such Secretary, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as Secretary.

Witness my hand and official seal, at office in Atlanta, Georgia, this 2 day of July, 1974.

Phyllis Hendrix
Notary Public

My Commission Expires:
Notary Public, Georgia, State at Large
My Commission Expires Mar. 8, 1978

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# A F F I D A V I T

STATE OF FLORIDA )
)
COUNTY OF DUVAL )

Before me, an officer authorized to administer oaths and take acknowledgments, personally appeared this day, THOMAS H. GREENE, to me well known and who being by me first duly sworn, said on oath as follows:

> That the actual consideration or the value, whichever is greater of this transfer, is $243,000.00.

Thomas H. Greene
THOMAS H. GREENE

Sworn to and subscribed before me this 16th day of July, 1974.

Lila Strauss
Notary Public, State of Florida
My Commission expires: Jan 8 1975

NOTARY PUBLIC

EXHIBIT A

1. Subject to an easement for the proposed right of way Bell Road and Cane Ridge Road lying within the boundaries of the premises conveyed herein as shown on Plan of record in Book 4595, page 118, Register's Office for Davidson County, Tennessee.

2. Deed of Trust executed by Pan-Hans Properties Ltd., a Georgia Corporation, to James E. Eden, Trustee, of record in Book 4772, page 894, said Register's Office, to secure The Prudential Insurance Company of America, the payment of a note in the original principal amount of $1,160,000.00, payable as specified therein.

   (See instrument for complete terms and conditions as well as possible rights and options of the mortgagee, including rights respecting assumption of the debt secured thereby)

3. Conditional Assignment of Rentals, dated December 14, 1973, of record in Book 4772, page 899, Register's Office for Davidson County, Tennessee.

4. The Plan of record in Book 4595, page 118, said Register's Office, shows an Owner's Certificate, a 15 foot minimum building setback line from Bell Road, as widened and Cane Ridge Road, as widened.