Church's Fried Chicken, a Texas Corp.
P. O. Box BH001
San Antonio, Texas 78284

Send Tax Bills To:
SAME

WARRANTY DEED BOOK 5189 PAGE 944

THIS INDENTURE, made and entered into this 17th day of August, 1977, by and between THE KROGER CO., a corporation organized and existing under and by virtue of the laws of the State of Ohio, party of the first part, and Church's Fried Chicken, a Texas corporation, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars ($1.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Davidson, State of Tennessee:

A tract of land in Davidson County, Tennessee, being parts of Lots 1, 2 & 3, Block "D" and the southerly one half of an Alley (closed by Metropolitan Council Bill No. 62-443) at the rear of said lots all shown and recorded on the plan of Palo Alto Subdivision as of record in Book 161, page 169, Register's Office for said County, and being more particularly described together, according to a survey made by Ragan-Smith & Associates, Inc., dated June 8, 1977, as follows:

Beginning at a P. K. Nail at the intersection of the northerly right-of-way of Charlotte Pike (U. S. 70N), as widened, and the westerly right-of-way of Midland Avenue, thence; with the northerly right-of-way of Charlotte Pike (as widened), S 70° 27' 00" W, 173.26' to an iron pin at the southeasterly corner of Lot No. 1, Kroger-Charlotte Pike Plan as of record in Book 4715, page 121, Register's Office for said County, thence; with the common line of said lot No. 1 and the herein described lot, N 5° 05' 00" W, 140.20' to a P. K. Nail set in a concrete wall, thence; continuing with the common line of Lot No. 1, Kroger-Charlotte Pike Plan and the herein described lot and also being the center line of a 12' alley closed by Council Bill No. 62-443, N 70° 27' 00" E. 193.53' to an iron pin set on the westerly right-of-way of Midland Avenue, thence; with the westerly right-of-way of Midland Avenue, S 2° 36' 40" W, 146.58' to the point of beginning.

Being the same property conveyed to The Kroger Co. by deed from Marion F. Thomas. , Sr. et ux, Grace H. Thomas, of record in Book 4852, page 413, Register's Office

for said County, and the southerly one half of an alley closed by Metropolitan Council Bill No. 62-443, being Metropolitan Tax Parcel No. 94 on Map No. 91-14.

Subject to liens, covenants, easements, reservations, encumbrances and restrictions of record and taxes for the year 1977 and all subsequent years.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons claiming by, through or under it but not further or otherwise.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their proper gender and number according to the context of this instrument.

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its duly authorized officers the day and year first above written.

ATTEST:

Lewis L. Clum
Assistant Secretary

THE KROGER CO.

BY: Arthur Juergens
Vice President

BY: Raymond F. Abaray
Vice President

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

Before me, the undersigned Notary Public in the State and County aforesaid, personally appeared Arthur Juergens, Raymond F. Abaray, and Lewis L. Clum with whom I am personally

acquainted and who, upon oath, acknowledged themselves to be the Vice Presidents of The Kroger Co., the within named bargainor, a corporation, and that they as such Vice Presidents, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as such Vice Presidents.

WITNESS my hand and Official Seal at office this 17th day of August, 1977.

BRENDA R. ANDES
Notary Public, Hamilton County, Ohio
My Commission Expires June 17, 1978

Brenda R. Andes
Notary Public

I hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $135,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

James F. Allen
Affiant

Subscribed and sworn to before me this 17th day of August, 1977.

BRENDA R. ANDES
Notary Public, Hamilton County, Ohio
My Commission Expires June 17, 1978

Brenda R. Andes
Notary Public

This deed prepared by Thomas P. O'Brien, Jr., Attorney-at-Law.

E 23220

IDENTIF. REFERENCE

AUG 30 2 44 PM '77

FEE
DAVIDSON COUNTY, TENN.
REGISTER

AUG 30 77	CONV	90,000.00			
AUG 30 77	CONV	45,000.00			
AUG 30 77	S'TAX		B*	351.00	
AUG 30 77	PR'FEE		B*	.50	
AUG 30 77	W'DEED		B*	6.00	* 357.50