MAP 168 # 36.1 & 165

STATE OF TENNESSEE]
: ss.
COUNTY OF DAVIDSON]

MAIL TAX BILLS TO:

Harpeth Hills INC

200 E. Randolph Suite 7008

Chicago, Illinois 60601

PREPARED BY SMITH & SELLERS ATTYS. MURFREESBORO, TN. 37130 FROM INFORMATION FURNISHED BY THE PARTIES.

BOOK 5251 PAGE 415

FOR AND IN CONSIDERATION of the sum of EIGHTY THOUSAND AND NO/100 DOLLARS ($80,000.00), cash in hand paid, the receipt of which is hereby acknowledged, and the execution by the grantee herein of one certain promissory note in the principal amount of $320,000.00, which note is secured by a Deed of Trust on the property herein conveyed and which Deed of Trust will be recorded simultaneously with this instrument in the Register's Office of Davidson County, Tennessee, AND the assumption and agreement to pay by the grantee herein of an indebtedness in the present principal amount of $45,000.00, plus accrued interest, which indebtedness is secured by an Installment Deed of record in Deed Book 4898, page 832 of said Register's Office, and to which instrument reference is hereby made for all of its terms and provisions; AND IN ADDITION to the consideration stated herein, the grantee shall pay to KENNETH B. McPHERSON and DAVID E. McPHERSON et al certain other considerations as set out in two (2) written contracts, the first contract being dated November 12, 1964, and the second contract being dated March 25, 1975;

The undersigned, HARPETH DEVELOPMENT CORPORATION, a Tennessee corporation, has this day bargained and sold and does hereby transfer and convey unto HARPETH HILLS, INC., a Tennessee corporation, its successors and assigns, forever, that certain parcel of real estate described as follows, to-wit:

A tract of land in the 9th, formerly 14th, Civil District of Nashville, Davidson County, Tennessee, including Harpeth Hills Memorial Gardens as of record in Book 4175, page 44, said Register's Office, being more particularly described according to a survey made by Barge, Waggoner, Sumner and Cannon February 25, 1975, as follows:

BEGINNING at a point where the north right-of-way of State Route 100 intersects the westerly boundary of a parcel of land conveyed to W. E. Sears and Peggy Price Sears by P. B. Kinnie and Francis Kinnie, recorded in Deed Book 2276, page 596, said Register's Office; thence S 84° 03' W 984.2 feet with the north right-of-way of

State Route 100 to a point, the beginning of a curve to the left; thence in a southwest direction with the arc of said curve to the left, 459.07 feet to a point, said curve having an interior angle of 15° 45', a radius of 1,670 feet, a tangent distance of 231 feet, and a chord of S 75° 58' W 457.6 feet; thence generally following the center of a ditch and with the northerly line of the Horace Sullivan property, as recorded in Deed Book 3670, page 63, said Register's Office, the following bearings and distances: S 84° 34' W 313.7 feet to a point; S 36° 40' W 174.9 feet to a point; S 55° 20' W 132.0 feet to a point; S 75° 00' W 105.6 feet to a point in the east right-of-way of South Harpeth Road; thence N 3° 39' E 818.2 feet with the east right-of-way of South Harpeth Road to a point, the beginning of a curve to the left; thence in a northwest direction with the arc of said curve to the left, 557 feet to a point in center of a ditch or creek, said curve having an interior angle of 60° 06', a radius of 550 feet, a tangent distance of 318.24 feet, and a chord of N 30° 44' W 550.90 feet; thence leaving the east right-of-way of South Harpeth Road and generally following the center of a creek in a northeast direction and with the south boundary of a tract of land conveyed to Frank E. Liggett and wife, Lois G. Liggett, as recorded in Deed Book 3979, page 597, said Register's Office, the following bearings and distances: N 74° 56' E 207.7 feet to a point; N 87° 14' E 131.3 feet to a point; N 59° 37' E 100.0 feet to a point; N 33° 00' E 341.6 feet to a point; N 50° 49' E 257.4 feet to a point; N 75° 01' E 25.7 feet to a point; thence N 05° 15' W 334.2 feet leaving the creek, generally following a fence line and with the east boundary of said Liggett property to an iron pin; thence N 07° 20' W 366.3 feet, continuing with said fence and Liggett's east boundary to a planted stone; thence N 42° 33' E 234.3 feet with the southerly line of a tract of land conveyed to O. B. Meadows, as recorded in Book 3186, page 34, said Register's Office, to a double hickory tree in fence line; thence N 41° 33' E 125.0 feet, continuing with the said O. B. Meadows southerly line to an iron pin; thence S 08° 27' E 824.9 feet, severing the lands of K. B. and D. E. McPherson, and continuing to an iron pin in the center of a creek; thence, in a northeast direction generally following the center of a creek, and following bearings and distances: N 54° 51' E 54.8 feet to a point; N 89° 23' E 170.0 feet to a point; N 66° 27' E 77.8 feet to a point; S 85° 07' E 50.0 feet to a point; S 53° 18' E 53.9 feet to a point; S 42° 55' E 54.7 feet to a point; N 33° 26' E 60.1 feet to a point; N 81° 48' E 90.0 feet to a point; N 54° 17' E 185.0 feet to a point; N 63° 05' E 175.0 feet to a point, the extreme northeast corner of the herein described tract; thence S 9° 37' E 574.8 feet with the west boundary of a parcel of land conveyed to K. B. and D. E. McPherson, as recorded in Deed Book 388, page 186, said Register's Office to a point, the northwest corner of a tract of land conveyed to Bob Fisher, recorded in Deed Book 3177, page 347, said Register's Office; thence, in a southeast direction with the west boundary of said conveyance to Bob Fisher, the following bearings and distances: S 39° 29' E 187.3 feet to a point; S 19° 18' E 79.7 feet to a point; S 1° 26' E 146.2 feet to a point; S 27° 43' E 106.9 feet to a point; S 2° 05' E 729.1 feet to the point of beginning.

Being the same property conveyed to Harpeth Development Corporation, a Tennessee Corporation, by Deed from Kenneth B. McPherson et ux et al of record in Book 3841, page 466 of the Register's Office, Davidson County, Tennessee , and in Book 4898, page 832, of said Register's Office.

This conveyance is subject to easements and conditions as shown on the Plan of Harpeth Hills Memorial Gardens of record in Book 4175, page 44, Register's Office for said County; right-of-way dedication for major thoroughfare plan along the north right-of-way of State Route 100; easement, 10 feet wide for a 4" water line across the southerly portion of the subject property; and roadway easement along the northerly boundary of the subject property. This conveyance is further subject to any and all burial rights in favor of any and all persons holding burial contracts and certificates issued by, through or with the grantor herein. This conveyance is further made subject to the lien, if any, created by the aforesaid two (2) written contracts, one dated November 12, 1964 and one dated March 25, 1975.

TO HAVE AND TO HOLD said real estate, together with all of the appurtenances, estate and title thereunto belonging, unto the said HARPETH HILLS, INC., a Tennessee corporation, its successors and assigns, forever.

The undersigned covenants with the said grantee that it is lawfully seized and possessed of said real estate; that it has a good right to convey the same; and that it is unencumbered except by lien of the 1978 taxes, which taxes the grantee assumes and agrees to pay when due.

The undersigned further covenants and binds itself, its successors and representatives, forever to warrant and defend the title to said real estate unto the grantee, its successors and assigns, against the lawful claims of all persons, whomsoever.

IN WITNESS WHEREOF, the undersigned corporation has caused this instrument to be executed by its duly authorized officers, and its corporate seal affixed hereto, all done this the 6th day of February, 1978.

HARPETH DEVELOPMENT CORPORATION

BY: Edwin E. Phillips
Edwin E. Phillips, President

ATTEST:
David L. Boyd
David L. Boyd, Secretary

STATE OF TENNESSEE]
: ss.
COUNTY OF Rutherford]

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared EDWIN E. PHILLIPS and DAVID L. BOYD, with whom I am personally acquainted, and who acknowledged, upon oath, that they are the President and Secretary of HARPETH DEVELOPMENT CORPORATION, the bargainor, a corporation, and that they as such President

and Secretary, respectively, being authorized so to do, executed the foregoing (DEED) instrument for the purposes therein contained by signing the name of the corporation by themselves as such President and Secretary, respectively.

WITNESS MY HAND and official seal at office in Murfreesboro, Tennessee, this the 6 day of February, 1978.

William T. Seller
Notary Public

My Commission Expires: July 23, 1978

I hereby swear or affirm that the actual consideration for this transfer, or value of the property transferred, whichever is greater, is $ 445,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Robert B. Bromley
Affiant

Subscribed and sworn to before me, this the 6th day of February, 1978.

Nora L. Lovell
Notary Public

My Commission Expires: 2-21-79

E 49898

IDENTIF. REFERENCE

FEB 9 3 22 PM '78

FELIX Z. WILSON CLERK & REGISTER
DAVIDSON COUNTY, TENN.

FEB-9 78	CONV	*	.00	445,000.00
FEB-9 78	S'TAX		B*	1,157.00
FEB-9 78	PR'FEE		B*	.50
FEB-9 78	W'DEED		B*	8.00 * 1,165.50