BOOK 5341 PAGE 434 SPECIAL WARRANTY DEED

"THIS INSTRUMENT PREPARED BY JAMES I. VARGE ESQ., ATTORNEY, 21st - FLOOR FIRST AMERICAN CENTER NASHVILLE, TENNESSEE 37238"

Address New Owner(s) as Follows:	[Send Tax Bills To:]	Map and Parcel Number:
Pizza Hut of Knoxville Corporation	[Same]	Map 163; Parcel 242
P. O. Box 428	[ ]	
Wichita, Kansas 67218	[ ]	

FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 ($10.00)----------DOLLARS, and other good and valuable consideration, the receipt of which is hereby acknowledged, from Pizza Hut of Knoxville Corporation, hereinafter referred to as "Grantee," to HICKORY HOLLOW MALL, INC., a Georgia corporation, duly authorized to do business in Tennessee, and INTEREAL COMPANY, a Tennessee corporation, together doing business as HICKORY HOLLOW ASSOCIATES, a joint venture, hereinafter referred to as "Grantor."

GRANTOR HAS BARGAINED AND SOLD, and by these presents does transfer and convey unto the said Grantee, its successors and assigns, that certain parcel of land described in Exhibit "A" which is attached hereto and hereby incorporated herein by reference; provided, however, this conveyance is expressly subject to the following:

1. Declaration of Protective Covenants for Hickory Hollow as of record in Book 5125, page 769, Register's Office for Davidson County, Tennessee, as amended by an Amendment to Declaration of Protective Covenants for Hickory Hollow as of record in Book 5189, page 947, said Register's Office, and by a Second Amendment to Declaration of Protective Covenants for Hickory Hollow of record in Book 5337, page 933, said Register's Office;

2. Easements, setback lines and conditions of the Owner's Certificates shown on the plan of Hickory Hollow Mall, Section Two (Revised), a plat of which is of record in Book 5200, page 34, said Register's Office, which plan shows the following notations:

a) No building permit shall be issued for any lot indicated on this plat until a final development plan has been approved by the Metropolitan Planning Commission for each and every lot. Joint access with adjacent lots may be required based on the final development plan.

b) No direct access will be permitted to Bell Road from any lot. Limited access may be permitted to Hickory Hollow Parkway from lots.

c) No building permit shall be issued for any lot unless utilities and roads are constructed or a performance bond posted with the Metropolitan Planning Commission.

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value whichever is greater, for this transfer is $ 120,000.00

Subscribed and sworn to before me, this the 22nd day of September, 19 78

Affiant Sue T. Humphrey

My commission expires: 10-18-82 (Affix Seal)

Notary Public Sylvia L. Roper

3. 1978 Metropolitan Nashville and Davidson County real property taxes, which have been prorated and will be paid by the Grantor;

TO HAVE AND TO HOLD the said parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, its successors and assigns, forever.

AND GRANTOR DOES COVENANT with the said Grantee that it has good right to convey said land and that the same is unencumbered except as provided above. The Grantor does further covenant and bind itself, and its successors and legal representatives, to warrant and forever defend the title to the said land to the said Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise.

THIS DEED is executed, delivered and accepted on condition that on the property conveyed hereby, a restaurant shall be initially constructed and used. Upon the opening of a restaurant upon the property conveyed hereby, this condition shall become null and void.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by the undersigned duly authorized officers of its Joint Venturers on this 21st day of September, 1978.

HICKORY HOLLOW ASSOCIATES

By: INTEREAL COMPANY, Joint Venturer

By: Marion B. Smith, Jr. PRESIDENT

By: HICKORY HOLLOW MALL, INC., Joint Venturer

By: Harry E. Kramer VICE PRES.

By: _____

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Before me, Sue F. Humphrey, a Notary Public of the State and County aforesaid, personally appeared Marion D. Smith Jr., with whom I am personally acquainted, and who, upon oath, acknowledged himself to be President of Intereal Company, 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 seal, at office in Nashville, Tennessee, this 21st day of September, 1978.

Sue F. Humphrey
Notary Public

My commission expires:

STATE OF Tennessee

COUNTY OF Davidson

Before me, Sue F. Humphrey, a Notary Public of the State and County aforesaid, personally appeared Henry E Kramer, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be vice-president of Hickory Hollow Mall, Inc., the within named bargainor, a corporation, and that he as such vice-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 vice president.

WITNESS my hand and seal, at office in Nashville, Tennessee, this 21st day of September 1978.

Sue F. Humphrey
Notary Public

My commission expires: 4/18/82

BOOK 5341 PAGE 437

STATE OF Tennessee

COUNTY OF Davidson

Before me, Sue F. Humphrey, a Notary Public of the State and County aforesaid, personally appeared George Volkert, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be vice-president of Hickory Hollow Mall, Inc., the within named bargainor, a corporation, and that he as such vice 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 vice-president.

WITNESS my hand and seal, at office in Nashville, Tennessee, this 22nd day of September, 1978.

Sue F. Humphrey
Notary Public

My commission expires: 9/18/82

EXHIBIT "A"

LAND in the 1st Civil District, Nashville, Davidson County, Tennessee, being Lot A-2, Hickory Hollow Mall, Section 2, 2nd Revision of record in Book 5200, page 34, Register's Office Davidson County, more particularly described according to a survey made by Barge, Waggoner, Sumner and Cannon, dated January 16, 1978, (File No. 4420-15) as follows:

BEGINNING at a point in the southerly margin of Bell Road, 910 feet east from the centerline of Hickory Hollow Parkway; thence, with the southerly margin of Bell Road along a curve to the right having a central angle of 00° 56' 53", a radius of 2,790 feet, 46.16 feet to a point; thence North 69° 18' 55" East, 83.84 feet to a point; thence, South 20° 41' 05" East, 207.16 feet to a point in the northerly margin of Hickory Lane; thence, with said Lane, South 65° 30' West, 126.72 feet to a point; thence, North 21° 37' 58" West, 215.24 feet to the point of beginning. Containing 0.62 acre, more or less.

BEING part of the same property conveyed to Hickory Hollow Mall, Inc., a Georgia Corporation as to an undivided fifty percent (50%) interest, and Intereal Company, a Tennessee Corporation, as to an undivided fifty percent (50%) interest, together doing business as Hickory Hollow Associates, a joint venture, by deed of record in Book 4920, page 933, Register's Office for Davidson County, Tennessee.

E 90240

IDENTIF. REFERENCE

SEP 22 2 03 PM '78

FELIX Z. ALSOBROOK REGISTER
DAVIDSON COUNTY, TENN.

SEP22 78	CONV	90,000.00			
SEP22 78	CONV	30,000.00			
SEP22 78	S'TAX		B*	312.00	
SEP22 78	PR'FEE		B*	.50	
SEP22 78	W'DEED		B*	10.00	* 322.50