File Box 31

BOOK 5740 PAGE 258

| ADDRESS NEW OWNER(S) AS FOLLOWS | SEND TAX BILLS TO | MAP-PARCEL NUMBERS: |
|---|---|---|
| James E. Swift, et ux (NAME) | SAME (NAME) | 29 |
| 654 EWING DRIVE (STREET ADDRESS OR ROUTE NUMBER) | (STREET ADDRESS) | 297 (PART) |
| NASHVILLE, TN. 37207 (CITY) (STATE) (ZIP CODE) | (CITY) (STATE) (ZIP CODE) | |

## WARRANTY DEED

For and in consideration of the sum of FIFTEEN THOUSAND ($15,000.00) DOLLARS

cash,

we, Charles R. Jackson, Elizabeth Averitt and Thomas N. Bateman, Co-Executors of the Estate of Carlton Averitt, deceased, this day have bargained and sold, and by these presents do transfer and convey unto the said James E. Swift and wife, Mary P. Swift

the GRANTEES herein, their heirs and assigns, a certain tract or parcel of land in 14th Civil District, Davidson County, State of Tennessee, described as follows:

Beginning at an iron pin in the margin of Bernard Road, thence south 89° 54' 23" East 192.33 feet to an iron pin along Bernard Road; thence south 10° 18' East 1,390.33 feet to an iron pin; thence north 88° 56' West 268.04 feet to an iron pin; thence south 7° 13' East 1,374.18 feet to the point of beginning, said tract No. 3 to contain 7.20 acres, more or less, according to a survey dated October 6, 1979 of the Benjamin M. Bernard estate by G. Barry Greer, Tennessee Registered Surveyor No. 211.

Being a portion of the same property conveyed to Carlton Averitt and Charles R. Jackson by deed of record in Book 5341, page 88, said Register's Office.

The said Carlton Averitt died testate on the 5th day of June, 1979, naming as his Co-Executors his spouse, Elizabeth Averitt, and Thomas N. Bateman, under his Will which appears in Will Book AF, page 153, in the County Court Clerk's Office for Montgomery County, Tennessee. Said Will authorizes this conveyance by Co-Executors.

The property is unencumbered, except as follows: The Grantors herein specifically reserve the right to enter in and upon the premises at any reasonable time and from time to time for the express purpose of cutting and removing all timber of every sort, now standing or lying upon said land, which, when cut, will measure 12 inches or more in diameter measured across the stump, which right to remove all said timber shall expire on June 15, 1981.

This conveyance is further made subject to certain restrictions and covenants, which restrictions and covenants shall run with the land and shall be binding upon all subsequent owners and enforceable by the parties herein and all subsequent owners of the property hereby conveyed or any portion hereof, as enumerated on the Exhibit A attached hereto and incorporated herein by reference.

1981 property taxes are assumed by the Grantees hereunder.

unimproved (X)
This is improved ( ) property, known as _____ (House Number) _____ (Street)

_____ (P. O. Address) _____ (City or Town) _____ (Zip Code)

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns, forever. And we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it, and the same is unencumbered, unless otherwise herein set out. And we do further covenant and bind ourselves, our heirs and representatives to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns against the lawful claims of all persons, whomsoever.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this 30th day of APRIL, 1981.

x Charles R. Jackson Charles R. Jackson

x Elizabeth Averitt Elizabeth Averitt
(Co-Executor of Estate of Carlton Averitt)

x _____ Thomas N. Bateman

File Box 31

STATE OF TENNESSEE
COUNTY OF Montgomery

BOOK 5740 PAGE 259

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Charles R. Jackson, and Elizabeth Averitt and Thomas N. Bateman, as Co-Executors of the Estate of Carlton Averitt,

the bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Clarksville, Tennessee, this 30th day of April, 1981.

My commission expires August 10, 1981 Notary Public Carlton G. Finch

STATE OF TENNESSEE
COUNTY OF _____

Before me, _____, a Notary Public of the State and County aforesaid, personally appeared _____ and _____ with whom I am personally acquainted, and who, upon oath, acknowledged _____ to be _____ and _____ respectively of the _____, the within named bargainor, a corporation, and that _____ as such _____ and _____, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by the said _____ as such _____ and attesting the same by the said _____ as such _____.

Witness my hand and seal, at office in _____, this _____ day of _____, 19____.

_____ Notary Public

Commission expires _____

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration for this transfer or value of property (whichever is greater) is $ 15,000.00
This is equal to or greater than the property would bring at a fair and voluntary sale.

_____

Sworn to and subscribed before me this 1st day of May, 1981.

My commission expires April 17, 1983 Notary Public Marilyn D. Haines

This instrument was prepared by:

Dale L. Stegall
Harwell Barr Martin & Sloan, 400 Home Federal Building, Nashville, Tennessee 37219
Name Address

WARRANTY DEED

FROM

CHARLES R. JACKSON, AND

ELIZABETH AVERITT AND THOMAS N. BATEMAN, as Co-Executors of the Estate of Carlton Averitt, deceased

TO

JAMES E. SWIFT & wife,

MARY P. SWIFT

Pioneer National Title Insurance Company
Public Square Building
344 4th Avenue North
NASHVILLE, TENNESSEE 37219

EXHIBIT A

BOOK 5740 PAGE 260

Restrictions and Covenants

1. No mobile homes permitted even if used temporarily while constructing a permanent house.

2. Houses to contain not less than 1,400 square feet of living area.

3. Houses to be constructed of brick or stone or an approved combination of these.

4. No poultry or swine permitted.

5. Houses must be set back 60 feet from road and must be at least 20 feet from lot sidelines.

6. Detached garages must be at least 30 feet from rear of house.

7. Barns to be at least 300 feet from rear of house.

8. No resubdivision of tracts of five acres or less.

9. Only one family or duplex houses permitted. Duplex if side-by-side must contain 2,200 square feet.

10. No garages for public use to be maintained nor the storing of old or junk cars.

G.4.0.4.4

IDENTIF. REFERENCE

MAY 1 3 09 PM '81

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

3472 05/04 48.50- CHECK

**OFFICIAL RECEIPT**

**FELIX Z. WILSON, II**

**REGISTER OF DAVIDSON COUNTY**

**NASHVILLE, TENNESSEE**

RECEIVED OF _____ BOOK 5740 PAGE 261

FOR _____

| | | |
|---|---|---|
| CO - CONVEYANCE | CC - CERTIFIED COPY | MISC - MISCELLANEOUS |
| MO - MORTGAGE | REL - RELEASE | CO TX - STATE TAX CONVEY |
| WD - WARRANTY DEED | UCC - UNIFORM COMMERCIAL CODE | MO TX - STATE TAX MORT |
| TD - TRUST DEED | | PRFEE - PROBATE FEE |

| DATE | SYMBOL | VALUATION | TAX AND FEES | TOTAL PAID |
|---|---|---|---|---|

15000.00- CO
39.00 CO TX
.50 PRFEE
5.00 WDEED
CHECK 49.50-
3472A05/01/81 BAL .00

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

340044

IDENTIF. REFERENCE T

MAY 1 3 09 PM

FELIX Z. WILSON, II REGISTER
DAVIDSON COUNTY, TENN.

No. 819848