re-record

BOOK 5831 PAGE 695

947 12/07 1324.50- CHECK

**SPECIAL

WARRANTY DEED

BOOK 5826 PAGE 192

THIS INSTRUMENT WAS PREPARED BY

DEARBORN & EWING, ATTORNEYS, NASHVILLE, TENNESSEE

ADDRESS NEW OWNER(S) AS FOLLOWS	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
Thomas C. Scott, Trustee (NAME)	RCM Interests (NAME)	93-6-2 22
26th Floor, First Am. Ctr. (STREET ADDRESS OR ROUTE NUMBER)	162 Fourth Avenue North, Suite 220, P.O. Box 22149 (STREET ADDRESS)	93-6--2-21
Nashville, TN 37238 (CITY) (STATE) (P. O. ZIP)	Nashville, TN 37202 (CITY) (STATE) (ZIP)	93-6-2 24 93-6-2 29

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, ~~WE~~ Commerce Union Bank, a Tennessee banking corporation

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO Thomas C. Scott, Trustee, with full power to sell, convey, mortgage, and assign without joinder of Beneficiary.

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Davidson COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS: TO-WIT:

(SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE AS FULLY AS THOUGH COPIED HEREIN).

The property described in Exhibit A is subject to any easements or restrictions of record in the Register's Office for Davidson County, Tennessee.

**All warranties of Commerce Union Bank herein contained are expressly limited to those persons or parties claiming by, through or under Commerce Union Bank.

RE-RECORD TO CORRECT TRACT V.

unimproved ( )
This is improved (X) property, known as (House Number) (Street) (P. O. Address) (City or Town) (Postal Zip)

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

12/17 24.00- CHECK

Witness its hand this 30th day of November, 19 81.

ATTEST: COMMERCE UNION BANK

BY: William E. Burt, Vice President BY: Robert H. Smith, Executive Vice President

3574

STATE OF)

COUNTY OF) re-recorded BOOK 5831 PAGE 696

Personally appeared before me, _____, a Notary Public in and for said County and State, the within named _____, the bargainor _____ with whom I am personally acquainted, and who acknowledged that _____ executed the within instrument for the purposes therein contained. BOOK 5826 PAGE 193

Witness my hand and official seal at _____, this ____ day of _____, 19__.

Commission Expires: _____

_____
Notary Public

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Before me, the undersigned, _____, a Notary Public within and for the State and County aforesaid, personally appeared William E Burt and Robert N. Smith, with whom I am personally acquainted and who upon (his oath, their several oaths) acknowledged (himself, themselves) to be the Vice President and Executive Vice President respectively of the Commerce Union Bank the within named bargainor, a corporation, and that (he, they) as such Vice-President and Executive Vice President, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by the said William E. Burt as such Vice-President, and attesting the same by the said Robert N Smith as such Executive Vice-President.

WITNESS my hand and official seal at office at Nashville, Tennessee on this 30th day of November, 1981

My Commission Expires: 7/21/85

Melony R. Haley
Notary Public

WARRANTY DEED

FROM

Commerce Union Bank, a

Tennessee banking corporation

TO

Thomas C. Scott, Trustee

G 70435

IDENTIF. REFERENCE

DEC 2 11 16 AM '81

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

RETURN TO: Dearborn & Ewing
ATTORNEYS
NASHVILLE, TENN.

Rerecord

G 72414

IDENTIF. REFERENCE

DEC 17 10 39 AM '81

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

RUSH

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this conveyance is $ 500,000.00

Thomas C. Scott, Trustee

Subscribed and sworn to before me this 30th day of November, 1981.

My Commission Expires: 7/21/85

Melony R. Haley
Notary Public

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TRACT I

Beginning at the northwest corner of Broad Street and Third Avenue North, formerly College Street, it being the southeast corner of said lot No. 45 and running thence westerly with the northern margin of Broad Street, 58 feet; thence northerly 108 1/3 feet to a public alley; thence easterly with the southern margin of said alley, 58.94 feet to Third Ave. No.; thence with the westerly margin of Third Ave. No., 109 feet to the beginning, and being the same property conveyed to me by deed of H. H. McAlister and J. W. Hopkins of record in Book 95, page 99, R.O.D.C.

Being the same property conveyed to Broadway National Bank by deed from Julian S. Cooley, an unmarried man, of record in Book 433, page 141, Register's Office for Davidson County, Tennessee, said Broadway National Bank being the predecessor of Commerce Union Bank.

EXHIBIT A

(Consists of Tracts I-V)

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TRACT II

Land in Davidson County, Tennessee, being part of Lot No. 45 on the plan of the Original Town of Nashville, not of record, described according to a survey made by Z. J. Wilkinson, Surveyor, September 8, 1943, as follows:

Beginning on the westerly margin of Third Avenue, North, at a point 91 feet 2 inches south of the southeast corner of the property conveyed to the Nashville Machine & Supply Company by deed from Charles J. Scruggs, et al., of record in Book 535, page 328, Register's Office for said County, said point being the intersection of the north line of a private alley with the west margin of Third Avenue, North; thence with said avenue northwardly 49 feet, more or less, to the center line of a brick wall; thence westwardly with the center line of said wall 177.5 feet to the easterly margin of Printer's Alley; thence with said alley southwardly 49 feet, more or less, to the northerly margin of said private alley; thence eastwardly 177.5 feet to the beginning.

Being part of the property conveyed to Tennessee Beer Company, a corporation, by deed from Theodora Scruggs, et al., of record in Book 1194, page 388, said Register's Office.

Being the same property conveyed to Broadway National Bank by deed from Tennessee Beer Company, Inc., of record in Book 1472, page 141, Register's Office for Davidson County, Tennessee, said Broadway National Bank being the predecessor of Commerce Union Bank.

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TRACT III

Land in Davidson County, Tennessee, being part of Lot No. 45 on the Plan of the Original Town of Nashville, not of record, described according to a survey made by Z. J. Wilkinson, Surveyor, September 8, 1943, as follows:

BEGINNING on the westerly margin of 3rd Avenue, North, to the center of a party wall, being the southeast corner of the property conveyed to Nashville Machine & Supply Company by deed from Charles J. Scruggs, et al., of record in Book 535, page 328, Register's Office for said County; running thence with the south line of the property of the Nashville Machine & Supply Company in a westerly direction, through the center of said party wall, 177.5 feet to the easterly margin of Printer's Alley; thence with said alley, southwardly 42 feet 2 inches, more or less, to the centerline of a brick wall, being the northwest corner of the property conveyed to Broadway National Bank, by deed from the Tennessee Beer Company, Inc., of record in Book 1472, Page 141, said Register's Office: thence with the center line of said wall, eastwardly 177.5 feet to the westerly margin of 3rd Avenue North; thence with said Avenue, northwardly 42 feet 2 inches, more or less, to the beginning.

BEING the same property conveyed to Irvin Small, Richard Small, Stanley Frank and Pat Frank Linn, by deed from Horace Small and Fedora Small Frank, of record in Book 3701, page 149, Register's Office for Davidson County, Tennessee.

BEING the same property conveyed to Commerce Union Bank by deed from Irvin Small, Richard Small, Stanley Frank and Pat Frank Linn, of record in Book 5283, page 874, Register's Office for Davidson County, Tennessee.

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TRACT IV

Parcel I:

Certain real estate lying and situate in City of Nashville, Davidson County, Tennessee, described as follows:

BEGINNING at a point on the westerly side of College Street, now Third Avenue North at the northeast corner of the property conveyed to the Tennessee Beer Company, a Tennessee Corporation, by deed of Theodora Scruggs, et al., dated September 3, 19743, recorded in Book 1194, page 388, Register's Office of Davidson County, Tennessee; thence westerly along the northerly line of said Tennessee Beer Company Property, 177 feet 6 inches, more or less, to the easterly margin of an alley; thence northerly along the easterly margin of said alley, 48 feet, 3 inches, more or less, to the southwest corner of a building, now occupied by Nashville Machine & Supply Company, which building is understood and supposed to be wholly located on that real estate conveyed to Nashville Machine Company (now Nashville Machine & Supply Company), by deed of J. P. Drouillard et ux, dated December 26, 1889, of record in Book 137, page 259, Register's Office, Davidson County, Tennessee; thence easterly along a straight line contiguous to and parallel with the south side of said building now owned and physically occupied by Nashville Machine & Supply Company and extension or projection of such line 177 feet 6 inches more or less, to the westerly margin of College Street, now Third Avenue North; thence southerly along the westerly margin of said College Street or Third Avenue, North, 48 feet 3 inches, more or less.

BEING the same property conveyed to L. H. Small, for life, and at his death to Rosa C. Small, for life, with remainder to Horace Small and Fedora S. Frank, by deed from Joe Frank and Frank Higgins, of record in Book 1315, page 269, Register's Office for Davidson County, Tennessee. The said L. H. Small and Rosa C. Small having since died. The said Horace Small having since died, and devised his interest in said property to Richard Small, Irvin Small and Third National Bank, Co-Trustees under his Will, of record in Will Book 91, page 308, Probate Court Clerk's Office for Davidson County, Tennessee.

Parcel II:

Part of Lot No. 44 on the original Plan of Nashville not of record.

BEGINNING at the northeasterly corner of Third Avenue, North, of Tract I above, at 121 Third Avenue, North, thence westerly some 176 feet, more or less, to the easterly margin of an alley, thence northerly with the eastern margin of said alley two feet, thence easterly in a straight line 176 feet, more or less, to a point at the westerly margin of Third Avenue, North, and thence southerly two feet to the point of beginning as measured along the westerly margin of said Third Avenue, North.

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to said alley, as described above, including the southerly wall now existing on sellers' said property.

Being property conveyed to Rosa Small, for life, and then the remainder to Horace Small and Fedora Small Frank, by deed from Albert Weinstein and wife, Miriam Kuhn Weinstein, of record in Book 3617, page 459, Register's Office for Davidson County, Tennessee. The said Rosa Small having since died. The said Horace Small having since died, and devised his interest in said property to Richard Small, Irvin Small and Third National Bank Co-Trustees under his will of record in Will Book 91, page 308, Probate Court Clerk's Office for Davidson County, Tennessee.

Said property being the same property conveyed to Commerce Union Bank by deed from Irvin Small, Richard Small, and Third National Bank, of record in Book 5283, page 877, Register's Office for Davidson County, Tennessee.

TRACT V

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Beginning at a point in the westerly margin of Third Avenue North, said point being 119.53 feet northwesterly from the intersection of said Third Avenue and Broadway; thence with the northerly margin of an alley S 59° 00' W to a point in the easterly margin of Printer's Alley; thence, N 29° 46' W 143.42 feet to a point in a rock wall in the southerly boundary of property owned by Albert Weinstein and wife, Miriam Kuhn Weinstein; thence, N 59° 37' E, 175.94 feet to the westerly margin of Third Avenue North; thence, S 30° 02' E, 141.56 feet to the point of beginning. Containing .80 acres, more or less.

The above property being the same property conveyed by deeds to Broadway National Bank (successor to Commerce Union Bank) of record in Book 1472, page 141, Commerce Union Bank, of record in Book 5283, page 874, and Commerce Union Bank of record in Book 5283, page 877, Register's Office for said county.

The above property covers Tracts II, III and IV conveyed by this deed and to the extent that the descriptions for said Tracts II, III and IV may describe collectively less land or different land than the land contained in the description herein for this Tract V, the Grantor hereby quitclaims transfers and conveys to Thomas C. Scott, Trustee, the Grantor, said difference, if any. Nothing herein shall be construed to limit or any way change the warranties otherwise given by Grantor herein.

The above description is taken from a survey prepared by Barge, Waggoner, Sumner & Cannon, Inc., dated November 30, 1981.