Prepared by
Joseph N. Barker, Atty
One Commerce Place
Nashville TN

RESIGNATION OF TRUSTEE
AND
APPOINTMENT OF SUCCESSOR TRUSTEE

BOOK 5974 PAGE 693

This Indenture, made and executed as of the 15th day of January, 1978, by the hereinafter named parties, being all of the joint venturers in Heritage Village, a joint venture formed pursuant to that certain Joint Venture Agreement dated October 1, 1972,

W I T N E S S E T H:

WHEREAS, David L. Pollack, L. H. Hardaway, Sr., and L. H. Hardaway, Jr. entered into a certain Joint Venture Agreement dated as of the 1st day of October, 1972, for the purpose of developing certain real property located in Nashville, Davidson County, Tennessee, and;

WHEREAS, pursuant to such Joint Venture Agreement, David L. Pollack was appointed as Trustee to hold the real property to be owned by the joint venture for the benefit of the joint venture, and, in fact, the said David L. Pollack, as Trustee, was conveyed certain property by deed from Goodlettsville Plaza Shopping Center, Inc., of record in Book 4563, page 694, Register's Office for Davidson County, Tennessee, and;

WHEREAS, David L. Pollack has sold, transferred and conveyed his interest in the foregoing joint venture unto L. H. Hardaway, Jr. and is no longer a joint venturer in Heritage Village,

NOW, THEREFORE, for and in consideration of the foregoing premises, the undersigned, David L. Pollack, being one and the same person as David Pollack, Trustee, hereby resigns as Trustee with respect to the Heritage Village joint venture property which was conveyed to him by instrument of record in Book 4563, page 694, Register's Office for Davidson County, Tennessee.

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Further, the aforesaid David L. Pollack hereby confirms and agrees that he has transferred and conveyed unto L. H. Hardaway, Jr., all of his interest as a joint venturer with respect to the Heritage Village joint venture, and, therefore, L. H. Hardaway, Sr. and L. H. Hardaway, Jr. are the only joint venturers with respect to such joint venture.

L. H. Hardaway, Sr. and L. H. Hardaway, Jr., as the remaining joint venturers, hereby appoint L. H. Hardaway, Jr. as Successor Trustee, with all of the rights, powers, and duties, imposed upon such Trustee pursuant to the Joint Venture Agreement referenced above.

David Pollack, individually and as trustee, hereby quitclaims and conveys unto L. H. Hardaway, Jr., Successor Trustee, any and all right, title, and interest which David Pollack, Trustee, may hold with respect to that property described by that deed of record in Book 4563, page 694, Register's Office for Davidson County, Tennessee, and with respect to the Heritage Village joint venture. L. H. Hardaway, Jr., Successor Trustee, hereby accepts the trust imposed by virtue of the Joint Venture Agreement and as transferred herein.

IN WITNESS WHEREOF, the parties have hereunto executed this instrument as of the day and date first above written.

David L. Pollack, Individually

David L. Pollack, Trustee

L. H. Hardaway, Sr.

L. H. Hardaway, Jr., Individually

L. H. Hardaway, Jr., Successor Trustee

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, JOSEPH N. BARKER, a Notary Public in and for said County and State, the within named David L. Pollack (being one and the same person as David L. Pollack, Trustee), the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal, at office in Nashville, Tennessee, this the 28TH day of December, 1978.

Joseph N. Barker
NOTARY PUBLIC

My Commission Expires: 7-18-82

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, Dorothy Blevens, a Notary Public in and for said County and State, the within named L. H. Hardaway, Sr., the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal, at office in Nashville, Tennessee, this the 28th day of December, 1979.

Dorothy Blevens
NOTARY PUBLIC

My Commission Expires: 5/8/80

STATE OF TENNESSEE)

COUNTY OF Davidson)

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Personally appeared before me, Dorothy Blevins,
a Notary Public in and for said County and State, the within named
L. H. Hardaway, Jr., (individually and as Successor Trustee), the
bargainor, with whom I am personally acquainted, and who
acknowledged that he executed the within instrument for the
purposes therein contained.

Witness my hand and seal, at office in Nashville,
Tennessee, this the 28th day of December, 1978.

Dorothy Blevins
NOTARY PUBLIC

My Commission Expires: 5/8/80

H 20622

IDENTIF. REFERENCE

DEC 8 10 40 AM '82

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

PLUS