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CDBBK00360 07/29/85

IDENTIF. REFERENCE

JUL 30 1 48 PM '85

FELIX A. ... II REGISTER
DAVIDSON COUNTY, TN

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS (CDB)
2700 First American Center
Nashville, Tennessee 37238

SPECIAL WARRANTY DEED

Address New Owner(S)	Send Tax Bills To	Map-Parcel Number(s)
Joe B. Wilmoth, d/b/a JWC, d/b/a Burger King Box 1067 491 East Bond Street Cookeville, Tennessee 38501	Same	108-1-57

FOR AND IN CONSIDERATION of the sum of TEN and No/100 ($10.00) DOLLARS cash in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, Miller G. Kimbrough, Jr., Trustee ("Grantor"); has bargained and sold, and by these presents does transfer and convey unto Joe B. Wilmoth, d/b/a JWC, d/b/a Burger King ("Grantee"), its successors, and assigns, that certain real property in Davidson County, State of Tennessee, described as follows:

Land in Davidson County, Tennessee, being Lot 2 on the plan of the Metro Airport Center, Section 4, Phase I of record in Book 6200, page 216, R.O.D.C., Tn. and being more particularly described according to a survey by J. Bruce Rainey, Surveyor #823, dated November 7, 1984 and revised February 5, 1985 and know as Job No. 84-200-1 as follows:

> Beginning at a concrete monument on the East margin of Donelson Pike, said point of beginning being the Northwest corner of this lot and the Southwest corner of the Jack Ham Property of record in Book 5341, page 593, R.O.D.C., Tn.; thence leaving the margin of the said Donelson Pike and with Ham's southerly line S 83 12' 58" E 144.04' to a concrete monument; thence leaving Ham's line and with the line of lot one of the said Metro Airport Center Section 4 phase one S 83 13' 18" E 127.33' to a concrete monument; thence with the line of lot 2 as shown on the plan of Elm Hill Limited Subdivision of record in Book 5200, page 259 R.O.D.C. Tn., S 10 39' 00' W 175.00' to an iron pin; thence N 83 18' 10" W 258.94' to a point: thence with a curve to the left having a radius of 3477.83' and a long chord of 174.98' said chord having a bearing of N 06 34' 4" E, a distance along the curve of 175.00' to he point of beginning containing 1.06 acres (46, 217 SF.) more or less.

Being part of the property conveyed to Miller G. Kimbrough, Jr., Trustee with full power to transfer, sell, convey, mortgage, pledge or otherwise encumber without the joinder of any beneficiary, by deed from Ervin M. Entrekin, Trustee, with full power to transfer, sell, convey, mortgage pledge or otherwise encumber without the joinder of any beneficiary, of record in Book 6340, page 368, Register's Office for Davidson County, Tennessee.

Said property is conveyed subject to the following matters arising through or under Grantor:

1. Taxes for 1985, a lien but not yet due and payable.

2. Declarations of Covenants, Conditions and Restrictions for the Metropolitan Airport Center together with By-Laws attached thereto, of record in Book 6477, page 870, said Register's office.

3. Those items as shown on the plan of Metro Airport Center, Section 4, Phase I, recorded in Book 6200, page 216, said Register's office.

4. The following restrictive covenant which Grantor hereby imposes and which shall run with the land for the benefit of Grantor's adjoining property: THE SUBJECT PROPERTY WILL BE USED ONLY AS A BURGER KING RESTAURANT FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE HEREOF; PROVIDED, HOWEVER, SAID RESTRICTION SHALL BE SUBORDINATE TO ANY FIRST DEED OF TRUST.

5. Mechanics and materialmen's liens, if any, arising out of work done by or on behalf of Grantee or Grantee's contractors and subcontractors.

TO HAVE AND TO HOLD the said real property with the appurtenances, hereditaments, estate, title and interest thereto belonging to Grantee, it's successors and assigns, forever. Grantor covenants and binds himself, his heirs, representatives and successors to warrant and forever defend the title to the said real property to Grantee, it's successors and assigns against the lawful claims of all persons claiming through or under Grantor (except claims arising out of matters set forth above) but not further or otherwise.

As used herein, the singular number shall include the plural and the masculine gender all other genders.

Witness Grantor's hand this 26th day of July, 1985.

Miller G. Kimbrough, Jr., Trustee

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Personally appeared before, the undersigned, a Notary Public in and for the State and County aforesaid, Miller G. Kimbrough, Jr., the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 26th day of July, 1985.

Notary Public

My Commission Expires:

4-20-86

LAURA KOENIG NOTARY PUBLIC DAVIDSON COUNTY, TENN. MY COMM EXPIRES

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property (whichever is greater) is $210,375.00.

Joe B Wilmoth
Affiant

Sworn to and subscribed before me this 26th day of July, 1985.

Carolyn L. Jackson
Notary Public

My Commission Expires:

5-13-89

OFFICIAL RECEIPT

FELIX Z. WILSON, II
REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF_____

FOR_____

BOOK 6617 PAGE 648

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

210375.00- CONV.
547.00 CSTAX
.50 RFEE
9.00 MSCL
CHECK 556.54-
2517A07/30/85 BAL .00

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

J24557

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IDENTIF. REFERENCE

JUL 30 1 48 PM '85

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

No. 158602