Rerecord

BOOK 7127 PAGE 590 BOOK 35

THIS INSTRUMENT PREPARED BY:

William G. Thawley
Storey Armstrong Steger & Martin
3100 LTV Center
2001 Ross Avenue
Dallas, Texas 75201

Address of New Owner:	Send Tax Bills to:	Map Parcel No.
Noel Properties c/o Kendall Drilling Co. 2104 Lincoln Avenue Evansville, IN 47714 Attn: Dale L. Voss	Noel Properties c/o Kendall Drilling Co. 2104 Lincoln Avenue Evansville, IN 47714 Attn: Dale L. Voss	Formerly 22040 currently taxed as a utility MAP 79 Par 52.00

SPECIAL WARRANTY DEED

STATE OF TENNESSEE §
§
COUNTY OF DAVIDSON §

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THIS SPECIAL WARRANTY DEED, made this 31 day of December, 1986, between FFE TRANSPORTATION SERVICES, INC., ("Grantor"), a Texas corporation, and NOEL PROPERTIES ("Grantee"), an Indiana partnership composed of Dale L. Voss, Dianna L. Voss, James W. Kendall, Jeanette L. Kendall, George H. Warren, Jr., and Barbara Z. Warren. The words "Grantor" and "Grantee," as used herein, shall include their respective heirs, successors, transfers and assigns where the context requires or permits.

W I T N E S S E T H :

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) in hand paid by Grantee to Grantor at and before execution and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged by Grantor, and for the further consideration that Grantee hereby assumes and promises to pay according to the terms thereof all principal and interest now remaining unpaid on that certain promissory note dated October 1, 1981, executed by REFRIGERATED TRANSPORT CO., INC., in the original principal sum of $450,000.00, with a current outstanding principal balance of $300,000.00, bearing interest as therein provided, payable to the order of the Industrial Development Board of the

Metropolitan Government of Nashville and Davidson County, secured by a deed of trust of even date therewith to The Citizens and Southern National Bank, Trustee, recorded in Book 5843, Page 847, Register's Office of Davidson County, Tennessee, to which deed of trust and the record thereof reference is here made for all purposes, and Grantee also assumes and promises to keep and perform all covenants and obligations of the grantor named in said deed of trust, has granted, bargained, sold, assigned, conveyed and transferred, and by these presents does grant, bargain, sell, assign, convey and transfer unto said Grantee all that tract or parcel of land lying and being in Davidson County, Tennessee, and being more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"). The performance of the assumptions and promises made herein by Grantee is secured by a deed of trust of even date herewith from Grantee to Robert L. Baker, Trustee, for the benefit of Grantor, covering the Property.

TOGETHER WITH all and singular the rights, members and appurtenances in and to the Property anywise appertaining or belonging to, including, but not limited to, any rights to any public or private streets or other such rights-of-way abutting or adjacent to the Property.

TO HAVE AND TO HOLD said Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of said Grantee forever in fee simple.

AND SAID Grantor shall warrant and forever defend the right and title to the above-described Property unto said Grantee against any and all claims made by, through or under Grantor, but not otherwise, excepting only those claims arising by reason of or under those matters set forth in Exhibit "B" attached hereto and by this reference incorporated herein.

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Public utility taxes attributable to the Property for the current year having been pro rated, Grantee hereby assumes the payment thereof.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed and delivered, on the day and year first above written.

"GRANTOR"

FFE TRANSPORTATION SERVICES, INC.,

By _____
~~Its President~~ Vice President Finance + Administration.

STATE OF TENNESSEE §
§
COUNTY OF DAVIDSON §

The actual consideration for this transfer or value of property (whichever is greater) is $485,000.00. This is equal to or greater than the amount which the property would bring at a fair and voluntary sale.

_____
Affiant

Sworn to and subscribed before me this 31st day of December, 1986.

_____
Notary Public, State of TENNESSEE

My Commission Expires: 7/18/87

Notary's Name Printed: Ann F. Curtis

STATE OF ~~TEXAS~~ TENNESSEE §
§
COUNTY OF ~~DALLAS~~ DAVIDSON §

BEFORE ME, a notary public in and for said State and County, duly commissioned and qualified, personally appeared Stoney M. Stubbs, Jr., with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the President of FFE Transportation Services, Inc., the within named Grantor, a Texas 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

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corporation by himself as such President.

WITNESS my hand this 31 day of December, 1986.

Notary Public, State of Texas

My Commission Expires:

7/18/87

Notary's Name Printed: ANN F. CURTIS

State of Tennessee
County of Davidson

Before me, a notary public in and for said State and County, duly commissioned and qualified, personally appeared Robert Marquette, Jr., with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Vice President of Finance and Administration of FFE Transportation Services, Inc., the within named Grantor, a Texas Corporation, and that he, as such Vice President of Finance and Administration being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such Vice President of Finance and Administration.

WITNESS MY HAND
DECEMBER 31, 1986

NOTARY PUBLIC

My Commission Expires:
7/18/87

EXHIBIT "A"

Land in Davidson County, Tennessee, being Lot No. 2 on the Plan of Cockrill Bend Industrial Subdivision, Section 5, of record in Book 5800, page 23, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a complete description thereof, as shown on corrected plat of record in Book 6663, page 355, aforesaid records, and as further shown on corrected plat of record in Book 6200, Page 508, aforesaid records.

Together with the Easement granted in Book 5843, page 841, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to FFE Transportation Services, Inc. by deed from RTC Transportation, Inc., of record in Book 6667, page 105, Register's Office for Davidson County, Tennessee.

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EXHIBIT "B"

1. Recorded plan of record in Book 5800, page 23, Register's Office for Davidson County, Tennessee, as amended in Book 6663, Page 355, Register's Office for Davidson County, Tennessee, and as further amended in Book 6200, Page 508, Register's Office for Davidson County, Tennessee.

2. The agreement to maintain a private road of record in Book 5843, page 830, Register's Office for Davidson County, Tennessee.

3. Encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises.

4. Taxes for 1986 and subsequent years.

31255

IDENTIFICATION REFERENCE

JUN 1 9 59 AM '87

FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TN

90477

IDENTIFICATION REFERENCE

FEB 4 1 10 PM '87

FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TN