SPECIAL WARRANTY DEED BOOK 7384 PAGE 296

FROM: Kermit C. Stengel, Jr., Grantor

TO: HIP Properties, Grantee

This instrument was prepared by:
Warren H. Wild, Jr.
Farris, Warfield & Kanaday
Seventeenth Floor
Third National Bank Building
Nashville, Tennessee 37219

41

Address New Owner(s) as Follows:	Name and Address of the Person or Entity Responsible for the Payment of Real Property Taxes	Map-Parcel Numbers
HIP Properties c/o Hurd Investment Properties, Inc. 907 Two Mile Pike Goodlettsville, TN 37072	Same	102-8-119
		Field Book Numbers
		8 DA 48933

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is Three Hundred Thirty-Five Thousand Dollars ($335,000.00).

Cindy Tucker
Affiant

SUBSCRIBED AND SWORN TO before me, this the 21st day of October, 1987.

Deborah A. [illegible]
Notary Public

My Commission Expires: 5-8-91

FOR AND IN CONSIDERATION OF the sum of Three Hundred Thirty-Five Thousand Dollars ($335,000.00), the receipt and sufficiency of which are hereby acknowledged, Kermit C. Stengel, Jr., Grantor, has bargained and sold, and by these presents does transfer and convey unto the said HIP Properties, a Tennessee general partnership, Grantee, its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to-wit:

LAND in Davidson County, Tennessee, being lot no. 2 on the plan of the R. Wayne Oldham Property, a subdivision plat of which is recorded in Book 4955, page 93, Register's Office for Davidson County, Tennessee, and being further described according to a

survey by Southern Consultants, Inc., dated June 14, 1977, as follows:

BEGINNING at an iron pin on the northeast margin of Hillwood Boulevard, 120.2 feet south of the end of a 40 foot radius return with the south right-of-way of Charlotte Pike; thence leaving said Hillwood Boulevard north 41° 31' 13" east a distance of 219.25 feet to a point in the south margin of an unimproved 20 foot alley; thence with the south margin of said alley south 48° 32' east a distance of 59.00 feet to an iron pin; thence north 70° 18' east a distance of 2.27 feet to an iron pin; thence with the south margin of said 20 foot unimproved alley south 33° 07' east a distance of 72.51 feet to an iron pin; thence leaving said alley south 41° 31' 13" west a distance of 226.73 feet to an iron pin in the northeast margin of Hillwood Boulevard; thence with said north margin of Hillwood Boulevard on a curve with a radius of 940.00 feet a distance of 132.46 feet to the point of beginning; containing 0.68 acres (29,620 square feet) according to said survey.

Being the same property conveyed to Kermit C. Stengel, Jr., by deed from Kermit C. Stengel Co. of record in Book 7099, page 242, Register's Office of Davidson County, Tennessee.

This is commercial property used as a fast food restaurant and is not the usual place of residence of the Grantor.

This is improved property, known as 874 Hillwood Boulevard, Nashville, Tennessee.

This conveyance is expressly made subject to the following:

1. The lien for 1987 taxes which will be paid by Grantee or its tenant.

2. Restrictive covenants of record in Book 5150, page 972, amended in Book 5224, page 459, said Register's Office.

3. All matters, easements and conditions shown on the Plan of record in Book 4955, page 93, said Register's Office, including, without limitation, an owner's certificate, a 12.5 foot easement for public utility purposes along the easterly line of said lot and easements for sanitary sewers along the westerly and northeasterly lines of and crossing said lot.

4. Easement for sanitary sewers of record in Book 4337, page 144, said Register's Office.

5. Easement for sanitary sewers of record in Book 4306, page 223, said Register's Office.

6. Memorandum of Lease between Volunteer Investments, Inc., Lessor and Wendy's of Nashville, Inc., Lessee of record in Book 5274, page 56, said Register's Office, together with the Lease dated September 20, 1977 to which such Memorandum of Lease relates (the "Lease").

7. UCC-1 Financing Statement executed by Southern Hospitality Corporation to secure to Commerce Union Bank an indebtedness in the amount of $8,000,000 of record in Book 6588, page 727, said Register's Office, which is subordinated to Dominion Bank's lien by Subordination Agreement of record in Book 6803, page 642, said Register's Office.

8. UCC-1 Financing Statement executed by Southern Hospitality Corporation to secure to Dominion Bank an indebtedness in the amount of $5,000,000 of record in Book 6778, page 277, as amended in Book 7168, page 582, said Register's Office.

9. UCC-1 Financing Statement executed by Southern Hospitality Corporation to secure to Dominion Bank an indebtedness in the amount of $5,000,000 of record in Book 6803, page 622 said Register's Office.

10. Mechanics' and Materialmen's liens claimed as a result of labor or materials furnished at the request or direction of the tenant under the Lease.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, its successors and assigns, forever.

And Grantor does covenant with the said Grantee that Grantor is lawfully seized and possessed of said land in fee simple and has a good right to convey it.

Except as to those matters set forth above to which this conveyance is expressly made subject, Grantor does further covenant and bind Grantor, his heirs, successors, and assigns, to warrant and forever defend the title to the said land to the said Grantee, its successors and assigns against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not further or otherwise.

Grantor further assigns to Grantee all of its rights, title and interest in and to the Lease, save and except Grantor's rights to Grantor's pro rata portion of the percentage or overage rents for the current lease year which are hereby reserved. In accepting this deed, Grantee assumes Grantor's obligations under the lease arising and related to the period from and after

October 15, 1987, and agrees to remit to Grantor a portion of percentage or overage rents for the current lease year immediately upon Grantee's receipt of same from tenant. Grantee joins in the execution hereof to acknowledge Grantee's agreement to the terms hereof.

Witness my hand this 15th day of October, 1987.

KERMIT C. STENGEL, JR.

HIP PROPERTIES, a Tennessee general partnership

By: Rudy Thacker

Title: Trustee - Partner

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Deborah A. Hughes, a Notary Public of said County and State, Kermit C. Stengel, Jr., 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 15th day of October, 1987.

Deborah A. Hughes
Notary Public

My Commission Expires: May 8, 1991

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, Deborah A. Hughes, a Notary Public of said County and State, personally appeared Rudy Thacker, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him self to be a partner of HIP PROPERTIES, the within named bargainor, a partnership, and that he as such partner executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by him self as partner.

Witness my hand and seal, at Office in Nashville, this 21 day of October, 1987.

Deborah A. Hughes
Notary Public

My Commission Expires: May 8, 1991

7.60.06 IDENTIFICATION REFERENCE Oct 21 3 59 PM '87 FELIX Z. WILSON JR. REGISTER DAVIDSON COUNTY, TN

7127W/10-13-87

OFFICIAL RECEIPT

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

RECEIVED OF _____

FOR _____

BOOK 7384 PAGE 300

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

DATE	SYMBOL	VALUATION	TAX AND FEES	TOTAL
			335000.00- CONT.	
			938.00 CSTAX	
			.50 MRFEE	
			12.00 MDEED	
			CHECK	950.50-
5040A	10/21/87	BAL		.00

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

7:6:0:0:6:

IDENTIFT REFERENCE

OCT 21 3 59 PM '87

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

No. 28430