BOOK 7465 PAGE 739

CDBDH00004 2/4/88 LL

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

# SPECIAL WARRANTY DEED

5290 02/09 0101 03CHECK 3860.38

| Address New Owner(s) | Send Tax Bills To: | Map-Parcel Number(s |
|---|---|---|
| Payless Cashways, Inc.<br>Pershing Square<br>Kansas City, Missouri<br>64141-0466 | Owner | Map 149, parcel 175<br>and part of parcel<br>176 |

FOR AND IN CONSIDERATION OF THE SUM OF TEN ($10.00) DOLLARS, and other good and valuable consideration, receipt of all of which is hereby acknowledged, CALIFORNIA-TEXAS PROPERTIES, INC. ("Grantor"), has this day bargained and sold, and does hereby transfer and convey unto PAYLESS CASHWAYS, INC. ("Grantee"), certain real property in Davidson County, Tennessee, described more particularly on Exhibit A.

TO HAVE AND TO HOLD the said real property together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining to Grantee, its successors and assigns, forever.

GRANTOR covenants and binds itself and its successors to warrant specially and forever defend the title to said real estate to Grantee, its successors and assigns, against the lawful claims of all persons claiming through and under Grantor (other than claims arising out of the matters set forth on Exhibit B), but not further or otherwise.

GRANTOR also grants to GRANTEE, a perpetual easement to cause to be maintained in an unimproved state and as open space the property described on Exhibit C.

IN WITNESS WHEREOF, Grantor executed this instrument on this 5th day of ~~January~~ February, 1988.

CALIFORNIA-TEXAS PROPERTIES, INC.

By: _____
Title: Vice President

03635

IDENTIFICATION REFERENCE

FEB 9 10 1a AM '88

FELIX Z. [illegible]
DAVIDSON COUNTY, TN

$15.00

STATE OF TEXAS )

COUNTY OF TARRANT )

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Personally appeared before me, BARBARA E. DAVIS, a Notary Public, JAMES J. BRADY, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the VICE PRESIDENT of California-Texas Properties, Inc., a corporation, and is authorized by the corporation to execute this instrument on behalf of the corporation.

WITNESS my hand, at office, this 5TH day of ~~January~~ February, 1988.

Barbara E. Davis
Notary Public

My Commission Expires:

BARBARA E. DAVIS
Notary Public
STATE OF TEXAS
My Comm. Exp. Apr. 9, 1991

STATE OF MISSOURI )

COUNTY OF JACKSON )

The actual consideration or value (whichever is greater) for this transfer is $1,372,140.00.

PAYLESS CASHWAYS, INC.

By: Neil E. Prague
Affiant

Subscribed and sworn to before me, this 5th day of February, ~~XXXXXXXX~~ 1988.

Margaret Dale
Notary Public

MARGARET DALE NOTARY PUBLIC STATE OF MISSOURI

My Commission Expires:

November 19, 1991

MARGARET DALE
Notary Public - State of Missouri
Commissioned in Clay County
My Commission Expires 11/19/91

EXHIBIT A



PROPERTY DESCRIPTION
PART OF P.U.D. TRACT 10
HICKORY HIGHLANDS
AUGUST 19, 1987
REVISED NOVEMBER 10, 1987

BEING A PARCEL OF LAND LYING IN DAVIDSON COUNTY, TENNESSEE AND BEING BOUNDED ON THE NORTH BY CHARLES TURNER; ON THE EAST BY MURFREESBORO ROAD; ON THE SOUTH AND WEST BY HICKORY HIGHLANDS, P.U.D. TRACT 10 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST RIGHT-OF-WAY LINE OF MURFREESBORO ROAD, SAID POINT BEING A CORNER COMMON WITH CHARLES TURNER;

THENCE WITH THE WEST RIGHT-OF-WAY LINE OF MURFREESBORO ROAD, SOUTH 46 DEG 47 MIN 55 SEC EAST, 388.34 FEET TO A POINT, A CORNER COMMON WITH HICKORY HIGHLANDS, P.U.D. TRACT 10 IN THE WEST RIGHT-OF-WAY LINE OF MURFREESBORO ROAD;

THENCE WITH HICKORY HIGHLANDS, P.U.D. TRACT 10, THE FOLLOWING BEARINGS AND DISTANCES;
THENCE, SOUTH 43 DEG 12 MIN 05 SEC WEST, 424.00 FEET TO A POINT;
THENCE, SOUTH 32 DEG 23 MIN 40 SEC WEST, 80.00 FEET TO A POINT;
THENCE, SOUTH 43 DEG 12 MIN 05 SEC WEST, 135.42 FEET TO A POINT;
THENCE, SOUTH 01 DEG 47 MIN 55 SEC EAST, 197.33 FEET TO A POINT;
THENCE, SOUTH 70 DEG 56 MIN 17 SEC WEST, 147.99 FEET TO A POINT;
THENCE, NORTH 19 DEG 03 MIN 43 SEC WEST, 470.39 FEET TO A POINT, A CORNER COMMON WITH HICKORY HIGHLANDS, P.U.D. TRACT 10 IN THE SOUTH LINE OF CHARLES TURNER;

THENCE WITH CHARLES TURNER, NORTH 38 DEG 25 MIN 19 SEC EAST, 692.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 304,920 SQUARE FEET, (7.00 ACRES, MORE OR LESS).

Being part of the same property conveyed to Grantor by deed of record in Book 6768 page 661, R.O.D.C.

EXHIBIT B



1. Taxes for the year 1988, a lien not yet due and payable.

2. Matters shown by survey of Morrow & Associates dated August 19, 1987, as last revised January 25, 1988, which matters include a 40 foot by 150 foot joint access easement.

3. Agreement between California-Texas Properties, Inc. as Lessor and the Lamar Corporation as Lessee, of record in Book 7232, page 723, said Register's Office.

EXHIBIT C



OPEN SPACE EASEMENT DESCRIPTION
ADJACENT TO PAYLESS CASHWAY SITE
PART OF P.U.D. TRACT 10
HICKORY HIGHLANDS
REVISED DECEMBER 7, 1987

BEING AN OPEN SPACE EASEMENT LOCATED IN DAVIDSON COUNTY, TENNESSEE AND BEING LOCATED IMMEDIATELY ADJACENT TO THE PAYLESS CASHWAY SITE IN HICKORY HIGHLANDS AND BEING BOUNDED ON THE NORTH BY PAYLESS CASHWAY; ON THE EAST, SOUTH AND WEST BY HICKORY HIGHLANDS, P.U.D. TRACT 10 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH PROPERTY LINE OF THE PAYLESS CASHWAY SITE, SAID POINT OF BEGINNING BEING LOCATED SOUTH 43 DEG 12 MIN 05 SEC WEST, 150.00 FEET FROM THE SOUTHEAST CORNER OF THE PAYLESS CASHWAY SITE IN THE WEST RIGHT-OF-WAY LINE OF MURFREESBORO ROAD;

THENCE LEAVING THE PAYLESS CASHWAY PROPERTY LINE, WITH A JOINT ACCESS EASEMENT, SOUTH 46 DEG 47 MIN 55 SEC EAST, 20.00 FEET TO A POINT;

THENCE WITH THE JOINT ACCESS EASEMENT, NORTH 43 DEG 12 MIN 05 EAST, 46.57 FEET TO A POINT;

THENCE LEAVING THE ACCESS EASEMENT AND ON A CURVE TO THE RIGHT, THE RADIUS OF WHICH IS 60.00 FEET, THE CENTRAL ANGLE OF WHICH IS 70 DEG 31 MIN 44 SEC, THE CHORD OF WHICH IS SOUTH 07 DEG 56 MIN 13 SEC WEST, 69.28 FEET, ALONG THE CURVE DISTANCE OF 73.86 FEET TO A POINT;

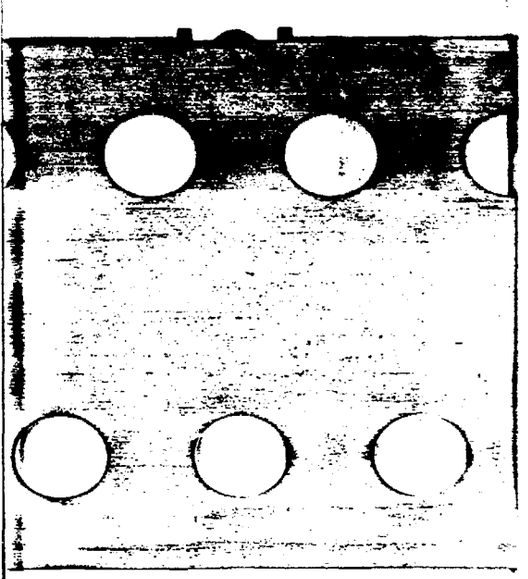
THENCE SOUTH 43 DEG 12 MIN 05 SEC WEST, 264.00 FEET TO A POINT;

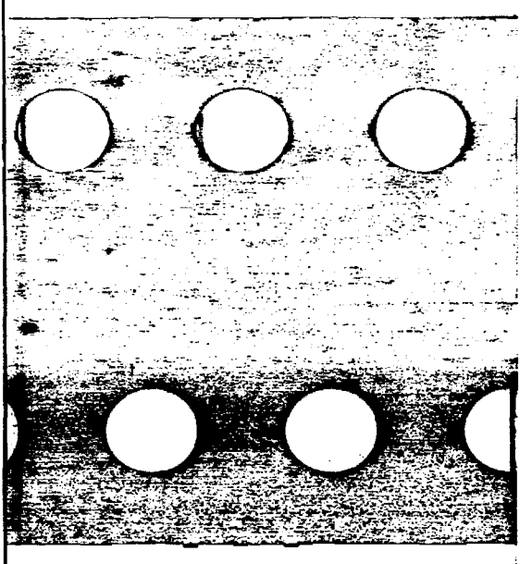
THENCE ON A CURVE TO THE RIGHT, THE RADIUS OF WHICH IS 60.00 FEET, THE CENTRAL ANGLE OF WHICH IS 79 DEG 11 MIN 35 SEC, THE CHORD OF WHICH IS SOUTH 82 DEG 47 MIN 53 SEC WEST, 76.49 FEET, ALONG THE CURVE DISTANCE OF 82.93 FEET TO A POINT IN THE SOUTH PROPERTY LINE OF PAYLESS CASHWAY SITE;

THENCE WITH PAYLESS CASHWAY, NORTH 32 DEG 23 MIN 40 SEC EAST, 60.00 FEET TO A POINT;

THENCE NORTH 43 DEG 12 MIN 05 SEC EAST, 274.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 20,178 SQUARE FEET, (0.463 ACRES, MORE OR LESS).





**OFFICIAL RECEIPT**

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

RECEIVED OF _____

FOR _____

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| | | |
|---|---|---|
| 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 |
|---|---|---|---|---|
| | | | | CAMT 1372140.00 |
| | | | | CON TX 3841.88 |
| | | | | PRFEE 0.50 |
| | | | | WDEED 18.00 |
| | | | | TOTAL 3860.38 |
| | | | | CHECK 3860.38 |
| 02/09/88 | 01 | | | 10:13 0001 5290 |

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

03635

IDENTIFICATION REFERENCE

FEB 9 10 12 AM '88

FELIX Z. WILSON, REGISTER
DAVIDSON COUNTY, TN

**No.** 60116