| Address New Owner: | Map-Parcel Numbers: | Send Tax Bills To: |
|---|---|---|
| Frito-Lay, Inc.<br>P.O. Box 660634<br>Dallas, TX 75266-0634<br>Attn: Real Estate Manager | [A portion of Map 94-13;]<br>[Parcels 69, 70, 71 and ]<br>[72 | Same as Owner |

This instrument prepared by: Boult, Cummings, Conners & Berry (JRH)
222 Third Avenue, North, P.O. Box 198062, Nashville, TN 37219

1409.90

## SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN and NO/100 DOLLARS ($10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, FESSLERS LANE ASSOCIATES, an Indiana limited partnership (the "Grantor") has bargained and sold, and by these presents transfers and conveys to FRITO-LAY, INC., a Delaware corporation (the "Grantee"), Grantee's successors and assigns, certain land in Davidson County, State of Tennessee, being more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference, together with all easements and appurtenances to said land (the "Property"), together with Grantor's right, title and interest, if any and without warranty, to land lying in the bed of any street, road, avenue or alley adjoining the Property.

This conveyance of the Property, and all covenants and warranties contained herein, are made expressly subject to the following:

IDENTIFICATION REFERENCE

MAR 29 10 05 AM '88

FELIX Z WILSON, III REGISTER
DAVIDSON COUNTY, TN

16552

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $498,000.00.

Affiant

Subscribed and sworn to before me this 24th day of March, 1988.

Notary Public
My Commission Expires: 11/10/90

1. Real estate taxes for 1988 which have been assumed by Grantee.

2. Easement for flow of creek.

3. Easements, set back line, flood plain and culvert shown on the survey of Earl Robert Caldwell dated January 18, 1988, last revised March 28, 1988, file no. 87153 and the Plan of record (the "Plan") in Book 6900, page 621 of said Register's Office, which are specifically listed and limited to the following:

(a) A 15-foot building setback line from Fesslers Lane;

(b) A 10-foot public utility and sanitary sewer easement along the south line;

(c) A 30-foot drainage easement which runs through the center of the lot, the centerline of said easement being more particularly described as follows:

Beginning at a point in the east margin of Fesslers Lane (66' R/W), said point being South 9-49'-22" West, 431.50 feet from the south margin of Heathcote Ave.:

Thence South 80-10'-38" East, 299.21 feet to a point in the east line of the referenced survey.

Containing 0.21 acres.

(d) A 20-foot sanitary sewer with 8-inch pipe and manholes across the westerly portion of the property, of record in Book 7447, page 507 and Book 6686, page 327, said Register's Office, and to be abandoned and relocated, as shown on the Plan, near the west property line with Fesslers Lane, the centerline of said proposed easement being more particularly described as follows:

Beginning at a point in the east margin of Fesslers Lane (66' R/W), said point being South 9-49'-22" West, 289 feet from the south margin of Heathcote Ave.:

Thence South 62-22'-13" East, 24.15 feet to a point;
Thence South 12-12'07" West, 308.05 feet to a point in the south line of the referenced survey.

Containing 0.15 acres.

(e) A 15-foot utility easement along the north property line;

(f) The 100-year flood plain across the Property;

(g) A 4-foot x 10-foot box culvert on the westerly line of said lot.

This is unimproved property, known as Lot 2 on the Plan.

By acceptance of this deed and pursuant to that certain Contract of Sale dated December 29, 1987 by and between Grantor and Grantee, Grantee, its successors and assigns covenant and agree as follows:

(1) Grantee agrees to plant, prior to occupancy of any building to be constructed on the Property, and to maintain and replace after occupancy of said building, a minimum of five foot (5') high white pine trees along the southerly boundary of the Property, spaced five feet (5') apart. This covenant shall expire ten (10) years from the date hereof.

(2) Grantee agrees to construct, prior to occupancy of any building to be constructed on the Property, a wood screening fence at least six feet (6') high, to be constructed in a workmanlike manner along the east boundary of the Property. This covenant shall terminate upon Grantor's approval of said fence, as constructed, such approval not to be unreasonably withheld.

" ese covenants shall be running with the land for the benefit of the owners, their successors and assigns, of Lot 3 of the Plan, which current owner is Grantor.

TO HAVE AND TO HOLD the Property, with all appurtenances, estate, title, and interest thereto belonging to the Grantee, Grantee's successors and assigns, forever.

Grantor covenants with the Grantee that the Property is free from all encumbrances made or suffered by it, except to the extent otherwise set forth herein.

Grantor further covenants and binds itself, its successors and assigns, to warrant and forever defend the title to the Property to the Grantee, Grantee's successors and assigns against the lawful claims of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 28th day of March, 1988.

FESSLERS LANE ASSOCIATES, an
Indiana limited partnership

By: Thomas C. Gibson
Thomas C. Gibson,
General Partner

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, John R. Haynes, Notary Public, Thomas C. Gibson, 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 a general partner of Fesslers Lane Associates, a general partnership, and is authorized to execute this instrument on behalf of Fesslers Lane Associates.

WITNESS my hand, at office, this 28th day of March, 1988.

John R. Haynes
Notary Public

My Commission Expires: 3/15/90

EXHIBIT A



A certain parcel located in Metropolitan Nashville-Davidson County, Tennessee, being a portion of the Calvary Cemetery property as recorded in Deed Book 919, page 456 and Will Book 0052, page 305 (a portion of parcels 69, 70, 71 and 72, map 94-13), being bounded on the west by Fesslers Lane and being more particularly described in a survey by Caldwell and Associates, Earl Robert Caldwell, Surveyor, dated January 18, 1988, last revised March 28, 1988, File No. 87153, as follows:

Beginning at an iron pin in the east margin of Fesslers Lane, said pin being 49.63 feet south of the south margin of alley #2054 at its intersection with Fesslers Lane and being approximately 210 feet south of the south margin of Heathcote Avenue;

Thence North 84 -25' -32" East, 313.81 feet with a new line to an iron pin;

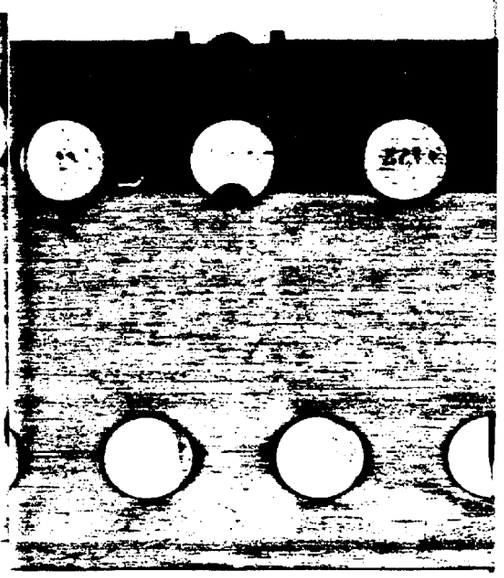
Thence South 10 -27' -12" West, 477.85 feet to an iron pin;

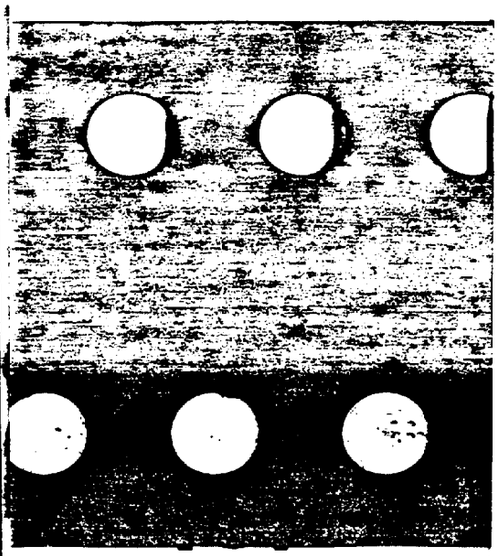
Thence North 80 -10' -38" West, 297.28 feet with a new line to an iron pin in the east margin of Fesslers Lane (66' R/W);

Thence North 9 -49' -22" East, 394.50 feet with the east margin of Fesslers Lane to the point of beginning.

Containing 3.00 acres more or less.

Being a portion of the same property conveyed to Fesslers Lane Associates by deed of record in Book 7501, page 924, Register's Office for Davidson County, Tennessee.





**OFFICIAL RECEIPT**

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

RECEIVED OF _____

FOR _____

BOOK 7501 PAGE 932

| | | |
|---|---|---|
| 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 |
|---|---|---|---|---|

MAMT 498000.00
ERR: CO
MAMT 498000.00-
CAMT 498000.00
CON TX 1394.40
PRFEE 0.50
WDEED 15.00
TOTAL 1409.90
CHECK 1409.90
03/29/98 01 10:07 0001 0489

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

16552

IDENTIFICATION REFERENCE

MAR 29 10 05 AM '98

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

No. 75039