File 35
CTIC 2

| Address New Owner: | Send Tax Bills To: | Map/Parcel |
|---|---|---|
| | McDonald's of Hawaii Development Company | |
| McDonald's of Hawaii Development Company c/o McDonald's Corporation Attn: Director, Real Estate Legal One McDonald's Plaza Oak Brook, Illinois 60521 | c/o McDonald's Corporation P.O. Box 66207 A.M.F. O'Hare Chicago, Illinois 60666 | Map 149 Par 322 |

BOOK 8451 PAGE 512

WARRANTY DEED

FOR AND IN CONSIDERATION OF TEN DOLLARS cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Kmart Corporation, a Michigan corporation, hereinafter called the Grantor, has bargained and sold and by these presents does transfer and convey unto McDonald's of Hawaii Development Company, a Hawaii limited partnership, hereinafter called Grantee, its successors, assigns, and representatives, a certain tract or parcel of land in the Second Civil District of Metropolitan Nashville, County of Davidson, State of Tennessee, described as follows to-wit:

Land in Davidson County, Tennessee, being Lot No. 2 on the PUD Boundary Plat and Subdivision Plat Kmart Corporation of record in Book 7900, Page 289, Register's Office for Davidson County, Tennessee, further described according to survey by John O. Spry, License No. 727, Ragan-Smith-Murphy & Associates, Inc., 315 Woodland Street, Nashville, Tennessee, dated June 13, 1991, revised June 25, 1991, and September 17, 1991, Job No. 91-009, as follows:

Beginning at an existing iron pin on the westerly right-of-way line of Murfreesboro Pike, a 100-foot wide right-of-way, at the northwesterly end of the westerly return curve at the intersection of Murfreesboro Pike and Edge-O-Lake Drive, an 80-foot wide right-of-way, as recorded by the Final Subdivision Plat for the Kmart Corporation property as recorded in Plat Book 7900, page 289, Register's Office for Davidson County, Tennessee, and proceeding as follows:

1. Leaving said westerly right-of-way line of Murfreesboro Road with the southwesterly return curve of said intersection with a 25-foot curve to the right a distance of 38.10 feet to an existing iron pin at the westerly right-of-way line of said Edge-O-Lake Drive; said curve has a chord bearing and distance of South 01 deg. 12 min. 44 sec. East, 34.52 feet; thence,

2. Following the westerly right-of-way line of Edge-O-Lake Drive, South 42 deg. 26 min. 31 sec. West, 26.88 feet to an existing iron pin; thence,

3. With a 3037.00 foot radius curve to the left, a distance of 143.54 feet to an existing iron pin; said curve has a chord bearing and distance of South 41 deg. 05 min. 17 sec. West, 143.53 feet; thence,

4. Leaving said westerly right-of-way line with a northeasterly property line of Lot No. 7 as recorded in Plat Book 7900, page 289, Register's Office for Davidson County, Tennessee, a 25.00-foot radius curve to the right, a distance of 40.68 feet to an existing iron pin; said curve has a chord bearing and distance of South 86 deg. 21 min. 14 sec. West, 36.34 feet; thence,

5. With said property line, North 47 deg. 01 min. 34 sec. West, 55.43 feet to an existing iron pin; thence,

6. North 36 deg. 34 min. 23 sec. West, 103.33 feet to an existing iron pin, being the southwesterly property corner of said described Lot 2; thence,

7. North 40 deg. 32 min. 11 sec. East, 214.69 feet to an iron pin on the westerly right-of-way line of Murfreesboro Pike; thence,

8. With the westerly right-of-way line of said Murfreesboro Pike with a 2342.00-foot radius curve to the left, a distance of 162.56 feet to the point of beginning; said curve has a chord bearing and distance of South 42 deg. 52 min. 40 sec. East, 162.53 feet, and containing 40,091 square feet or 0.92 acres, more or less.

The above-described property is shown on the survey by John O. Spry, License No. 727, Ragan-Smith-Murphy & Associates, Inc. 315 Woodland Street, Nashville, TN 37206, dated June 13, 1991, revised June 25, 1991, and September 17, 1991, Job No. 91-009, titled "P.U.D. Boundary Plat and Subdivision Plat Kmart Corporation," being a portion of that property conveyed to Grantor by First Atlantic Management Corp., a Florida corporation by Warranty Deed dated as of December 4, 1986, and recorded in Book 7059, page 710, Register's Office for Davidson County, Tennessee, together with all buildings, improvements, if any, and all rights, easements and appurtenances located thereon.

THIS PROPERTY is conveyed subject to the Declaration of Easements, Restrictions and Operating Agreements recorded immediately prior to this Deed, and to the Development and Operation Agreement executed and recorded contemporaneously herewith; all matters shown on the herein-described survey; a lien for 1991 property taxes; all matters shown on Plans of record in Book 7900, Page 289, Register's Office for Davidson County, Tennessee; and to all applicable local government planning, building and zoning regulations.

TO HAVE AND TO HOLD the said real estate, with the appurtenances, estate, title and interest thereto belonging to the said McDonald's of Hawaii Development Company, a Hawaii limited partnership, its successors, assigns and representatives forever.

AND GRANTOR COVENANTS that it is lawfully seized and possessed of said real estate, in fee simple, that it has a good and valid right to convey it, and that the same is unencumbered unless otherwise herein set out.

AND GRANTOR DOES further covenant and bind itself, its successors and assigns to warrant and forever defend the title to the said real estate against the lawful claims of all persons whomsoever.

WHENEVER used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS our hands on this 24th day of September, 1991.

KMART CORPORATION

By: _____

M.L. Skiles, Senior Vice President

STATE OF TENNESSEE )
) SS.
COUNTY OF DAVIDSON )

The actual consideration or value, whichever is greater, for this transfer is $480,900.00.

Cathy S Daly
AFFIANT

Sworn to and subscribed before me this 26TH day of September, 1991.

Carolyn L. Fleenor
Notary Public
My Commission Expires: 3-4-95

NOTARY AT LARGE
STATE OF TENNESSEE

STATE OF MICHIGAN )
) SS.
COUNTY OF OAKLAND )

Personally appeared before me the undersigned, a Notary Public in and for said County and State, the within named M.L. Skiles, known to me to be the Senior Vice President of Kmart Corporation, the bargainor and who acknowledged that he executed the within instrument on behalf of Kmart Corporation for the purposes therein contained.

Witness my hand and official seal at TROY, Michigan, this 24TH day of September, 1991.

Carol Remer
Notary Public
My Commission Expires: 4-16-95

CAROL REMER
NOTARY PUBLIC
CAROL REMER
Notary Public, Oakland County, Michigan
My Commission Expires April 16, 1995
OAKLAND CO.

This instrument was prepared by:

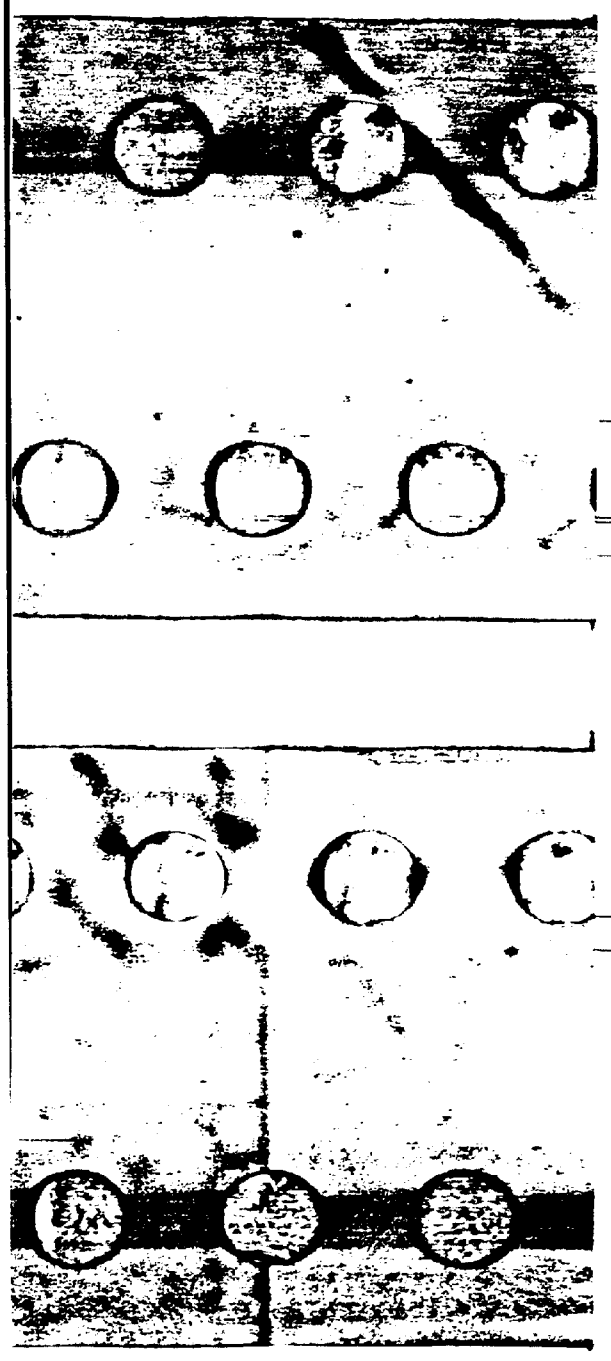
Brian R. Balow, Esq.
Dickinson, Wright, Moon,
Van Dusen & Freeman
525 N. Woodward Avenue
P.O. Box 509
Bloomfield Hills, MI 48303-0509
(313) 646-4300

IDENTIFICATION REFERENCE
SEP 27 11 46 AM '91
FELIX J. ... REGISTER
OAKLAND ... MICHIGAN

5.00622

4616 09/27 0101 03CHECK 1789.33

BRB/11335/1212/AQO



**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 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 |
|---|---|---|---|---|

CAMT 480900.00
CON TX 1779.33
PRFEE 1.00
WDEED 9.00
TOTAL 1789.33
CHECK 1789.33

09/27/91 01 11:46 0001 4616

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

5.0062

IDENTIFICATION REFERENCE

SEP 27 11 48 AM '91

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

No. 462788