IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; THE DEPARTMENT OF VETERANS AFFAIRS,	)	Docket No. 91C-2552
Petitioner,	)	VETERANS CEMETERY
V.	)	Tract No. II
WESTINGHOUSE CREDIT CORPORATION; JOHN W. NELLEY, JR.; HOWARD R. PETERSON; AND METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE	)	JURY DEMAND
Defendants.	)	

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ABSTRACT OF SUIT AND NOTICE OF LIEN LIS PENDENS

Lienor: State of Tennessee

Owner of Property: John W. Nelley, Jr. and Howard R. Peterson

Notice is hereby given that the above referenced condemnation proceeding has been commenced in the Circuit Court for Davidson County, Tennessee. The condemnation proceeding was filed on September 12, 1991. The property sought to be condemned consists of a total of 241.454 acres, shown and described as Tract II on the survey attached as Exhibit A to the Petition for Condemnation. Approximately 173.744 acres of the property sought to be condemned is part of a certain 333.65 acre tract of land owned at the time of condemnation by John W. Nelley, Jr. and Howard Peterson.

For the purpose of the above referenced condemnation litigation, John W. Nelley, Jr. and Howard Peterson, as owners of the property, have by Agreed Order filed for entry on December 4, 1991 agreed that the Petitioner be entitled to a lien on that portion of the 333.65 acre tract owned by John W. Nelley, Jr. and Howard R. Peterson not being condemned, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference. The purpose of this lien is to partially secure the obligation of John W. Nelley, Jr. and Howard R. Peterson to refund all or any portion of the additional sum of $250,000 that the Petitioner has deposited in said condemnation litigation, together

with interest at the rate of 5% per year on any amount which must be refunded. This Abstract of Suit and Notice of Lien List Pendens is therefore made to so secure the financial interest of the Petitioner until the condemnation litigation is finally concluded and if a refund of said additionally deposited sum, or any portion thereof is due the Petitioner, that such amount plus interest is paid. This notice is dated this _____ day of December, 1991 and is given pursuant to T.C. A. §20-3-101.

The property owners, John W. Nelley, Jr. and Howard R. Peterson, represent through counsel that the remaining acreage not being condemned and which is subject to this Lien Lis Pendens is not subject to any lien or major encumbrance except for property taxes. Counsel for said property owners acknowledge the accuracy of the representations made in this Abstract of Suit and Notice of Lien Lis Pendens as evidenced by his signature below.

Respectfully submitted,

L. VINCENT WILLIAMS (11189)
Attorney for Petitioner
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37243-0485

JOHN N. POPHAM (6148)
Attorney for John W. Nelley, Jr.
and Howard R. Peterson
Tune, Entrekin & White
21st Floor, First American Center
Nashville, TN 37238

CERTIFICATION

The Honorable George Rooker, Circuit Court Clerk, hereby certifies that the foregoing Notice of Lien Lis Pendens constitutes an Abstract of the suit filed in this case named therein and the same appears of record and now on file in the records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court in my office in Nashville, Davidson County, Tennessee this the 8th day of January, 1991.

CIRCUIT COURT CLERK

This instrument was prepared by:
John N. Popham
Tune, Entrekin & White
21st Floor, First American Center
Nashville, TN 37238

EXHIBIT A

Being a tract of land lying in the 23rd Councilmanic District of Metropolitan Nashville and Davidson County, Tennessee and being property conveyed to John W. Nelley, Jr. and Howard R. Peterson by Substitute Trustee's Deed of Record in Book 8352, page 821, Register's Office for Davidson County, Tennessee, and more particularly described as follows:

Beginning at an Iron Pin being 270.00 ft. from the center of and being on the North Right-of-Way of Interstate 40 and being 188.10 ft. from the West Margin of McCrory Lane; thence with the North Right-of-Way of Interstate 40 S 89 deg. 20 min. W 1,013.34 ft. to a Concrete Marker; S 88 deg. 35 min. W 92.65 ft. to a Concrete Marker; S 0 deg. 33 min. E 50.00 ft. to a concrete marker; thence on a curve with a Radius of 5,509.58 ft. for a length of 679.73 ft. to a Concrete Marker; N 83 deg. 29 min. W 193.13 ft. to a Concrete Marker; S 6 deg. 31 min. W 70.00 ft. to a Concrete Marker; N 87 deg. 18 min. W 690.00 ft. to a Concrete Marker; N 6 deg. 31 min. E 120.00 ft. to a Concrete Marker; N. 80 deg. 38 min. W 776.40 ft. to a Concrete Marker; S 28 deg. 40 min. W 100.00 ft. to a Concrete Marker thence on a curve with a radius of 2,176.83 ft. for a length of 486.80 ft. to a Concrete Marker and N 48 deg. 02 min. W 277.50 ft. to an Iron Pin being on the North Right-of-Way of Interstate 40 and being a S.E. corner of the Farris Property; thence with the East Boundary of the Farris Property N 8 deg. 43 min. E 1,086.66 ft. to an Elm Tree being a N.E. corner of the Farris Property and being on the East Margin of the Harpeth River; thence with the Bank of the Harpeth River as follows; N 27 deg. 42 min. E 126.68; N 23 deg. 57 min. E 186.57 ft.; N 1 deg. 10 min. E 575.97 ft.; N 4 deg. 02 min. W 698.13 ft.; N 0 deg. 30 min. W 344.05 ft.; N 2 deg. 08 min. W 336.46 ft.; N 9 deg. 03 min. W 651.63 ft.; N 14 deg. 51 min. W 781.55 ft.; N 10 deg. 19 min. W 243.86 ft.; N 17 deg. 53 min. E 482.39 ft.; N 34 deg. 39 min. E 453.48 ft.; N 82 deg. 44 min. E 258.31 ft.; S 84 deg. 01 min. E 205.19 ft.; S 71 deg. 57 min. E 279.53 ft.; S 56 deg. 33 min. E 664.08 ft.; S 63 deg. 02 min. E 141.29 ft.; S 47 deg. 05 min. E 347.86 ft.; S 18 deg. 18 min. E 472.50 ft.; S 25 deg. 30 min. E 670.68 ft.; thence leaving the Harpeth River S 46 deg. 41 min. W 328.93 ft.; N 57 deg. 25 min. W 163.21 ft.; S 88 deg. 43 min. W 215.43 ft.; S 76 deg. 12 min. W 482.03 ft.; S 12 deg. 29 min. E 2,330.60 ft.; N 77 deg. 59 min E 1,432.07 ft to a P.K. Nail being a S.E. corner of the Howell Property and being in the center of McCrory lane; thence with the center of McCrory Lane to P.K. Nails as follows: S 47 deg. 10 min. E 76.64 ft.; S 49 deg. 52 min. E 271.07 ft.; S 41 deg. 15 min. E 118.84 ft.; S 32 deg. 45 min. E 173.10 ft.; S 25 deg. 34 min. E 89.55 ft.; S 17 deg. 34 min. E 132.63 ft.; S 10 deg. 48 min. E 992.14 ft.; S 9 deg. 57 min. E 382.18 ft.; thence leaving McCrory Lane S 10 deg. 54 min. E 316.32 ft.; to the beginning.

CONTAINING 333.65 Acres, more or less.

INCLUDED in the foregoing description but expressly excluded from and not subject to the lien of this Abstract of Suit and Notice of Lien Lis Pendens is a tract consisting of approximately 173.744 acres which is a part of the tract of land consisting of approximately 241.454 acres being taken by the State of Tennessee in the above referenced condemnation proceedings, which 241.454 acre tract is more particularly described as follows:

RECEIVED
MAR 28 1991
REAL ESTATE MANAGEMENT
Dept. of Finance & Administration

PROPERTY DESCRIPTION
OF TRACT II
TAX MAP 140, PARCEL 1 AND
TAX MAP 126, PARCELS 57, 57.1 AND 97

BOOK 8526 PAGE 252

Being a tract of land lying in the 23rd Councilmanic District of Metropolitan Nashville, Davidson County, State of Tennessee, being known as Tract II, as shown on a survey of the McDermott/Biltmore Inc. Tract, by ERCE dated March 28, 1991, and being a portion of a tract as shown on Tax Map 140, Parcel 1, and Tax Map 126, Parcels 57, 57.1, and 97, as recorded in deed book 6845, page 425 and deed book 7445, page 215, in the Register's Office of Davidson County, TN. and being more particularly described as follows:

Beginning at an iron rod having Tennessee State Plane Coordinate System (NAD27) coordinates of North 617,000.00, East 1,697,485.99. Said iron rod is located in the westerly right-of-way margin of McCrory Lane and marks the northeasterly corner of Tract I and the southeasterly corner of Tract II;

Thence, leaving said margin with a new line, South 90°00'00" West for a distance of 3376.95 feet to an iron rod lying in the bank of the Harpeth River, passing through an iron rod witness corner at a distance of 3,356.95 feet;

Thence, with the aforementioned river bank, North 19°55'07" East, for a distance of 106.51 feet to an iron rod;

Thence, North 05°48'12" East, for a distance of 155.89 feet to an iron rod;

Thence, North 02°17'05" West, for a distance of 293.58 feet to an iron rod;

Thence, North 02°22'57" East, for a distance of 168.13 feet to an iron rod;

Thence, North 12°57'15" West, for a distance of 233.58 feet to an iron rod;

Thence, North 00°16'34" East, for a distance of 125.58 feet to an iron rod;

Thence, North 21°50'02" East, for a distance of 36.18 feet to an iron rod;

Thence, North 03°04'37" West, for a distance of 171.52 feet to an iron rod;

Thence, North 01°45'32" West, for a distance of 713.15 feet to an iron rod;

Thence, North 03°02'40" East, for a distance of 100.84 feet to an iron rod;

Thence, North 13°18'29" West, for a distance of 252.66 feet to an iron rod;

Thence, North 06°51'43" West, for a distance of 366.11 feet to an iron rod;

Thence, North 23°00'36" West, for a distance of 280.79 feet to an iron rod;

Thence, North 15°29'33" West, for a distance of 319.62 feet to an iron rod;

Thence, North 10°32'29" West, for a distance of 202.33 feet to an iron rod;

Thence, North 06°19'30" West, for a distance of 244.42 feet to an iron rod;

Thence, North 00°41'44" West, for a distance of 172.11 feet to an iron rod;

Thence, North 29°29'34" East, for a distance of 177.77 feet to an iron rod;

Thence, North 37°17'04" East, for a distance of 243.25 feet to an iron rod;

Thence, North 31°46'29" East, for a distance of 106.26 feet to an iron rod;

Thence, North 42°38'43" East, for a distance of 169.06 feet to an iron rod;

Thence, North 61°24'02" East, for a distance of 152.14 feet to an iron rod;

Thence, North 76°44'42" East, for a distance of 156.50 feet to an iron rod;

Thence, South 88°45'31" East, for a distance of 56.51 feet to an iron rod;

Thence, South 80°47'52" East, for a distance of 161.53 feet to an iron rod;

Thence, South 73°22'13" East, for a distance of 65.09 feet to an iron rod;

Thence, South 66°19'23" East, for a distance of 171.73 feet to an iron rod;

Thence, South 54°30'52" East, for a distance of 93.31 feet to an iron rod;

Thence, South 67°52'17" East, for a distance of 170.88 feet to an iron rod;

Thence, South 40°31'39" East, for a distance of 91.59 feet to an iron rod;

Thence, South 56°22'47" East, for a distance of 326.58 feet to an iron rod;

Thence, South 63°50'13" East, for a distance of 232.66 feet to an iron rod;

Thence, South 49°06'53" East, for a distance of 59.85 feet to an iron rod;

Thence, South 38°38'13" East, for a distance of 101.78 feet to an iron rod;

Thence, South 26°52'23" East, for a distance of 223.55 feet to an iron rod;

Thence, South 15°01'26" East, for a distance of 258.08 feet to an iron rod;

Thence, South 22°09'57" East, for a distance of 295.58 feet to an iron rod;

Thence, South 33°38'42" East, for a distance of 296.25 feet to an iron rod;

Thence, South 25°56'09" East, for a distance of 105.24 feet to an iron rod;

Thence, South 08°54'09" East, for a distance of 81.41 feet to an iron rod;

Thence, South 21°32'17" East, for a distance of 278.38 feet to an iron rod;

Thence, South 31°04'35" East, for a distance of 86.62 feet to an iron rod;

Thence, South 21°50'59" East, for a distance of 288.64 feet to an iron rod;

Thence, South 10°42'40" East, for a distance of 122.77 feet to an iron rod;

Thence, South 22°08'29" East, for a distance of 149.85 feet to an iron rod;

Thence, South 10°37'20" East, for a distance of 60.34 feet to an iron rod;

Thence, South 26°10'16" East, for a distance of 90.94 feet to an iron rod;

Thence, South 32°09'59" East, for a distance of 227.04 feet to an iron rod;

Thence, South 48°49'11" East, for a distance of 218.29 feet to an iron rod;

Thence, South 58°33'17" East, for a distance of 104.11 feet to an iron rod lying in the westerly right-of-way margin of McCrory Lane;

Thence, leaving the aforementioned Harpeth River Bank, following said right-of-way margin South 32°38'12" West, for a distance of 121.64 feet to an iron rod;

Thence, South 11°57'57" West, for a distance of 339.98 feet to an iron rod;

Thence, South 29°40'32" East, for a distance of 22.10 feet to an iron marking the northeasterly corner of Ed Langford, et ux property as recorded in Deed Book 3285, page 307, and in Deed Book 3285, page 331, R.O.D.C., TN.

Thence, leaving said right-of-way margin with the northerly property line of said Langford tract, North 82°15'17" West, for a distance of 249.24 feet to an iron rod;

Thence, South 12°28'10" West, for a distance of 153.50 feet to an iron rod;

Thence, South 77°22'10" East, for a distance of 68.29 feet to an iron rod located at the Northwesterly property corner of the Third National Bank Tract as recorded in Deed Book 8247, page 84 R.O.D.C., TN.

Thence, following the westerly boundary of the Third National Bank Tract South 09°50'25" East for a distance of 300.43 feet to an iron rod;

Thence, North 78°09'30" East for a distance of 319.97 feet to an iron rod located in the Westerly right-of-way margin of McCrory Lane;

Thence, following said right-of-way margin southeasterly, with a curve to the left having a radius of 534.30 feet, a central angle of 10°33'30", an arc length of 98.46 feet, a chord bearing of South 46°23'25" East, a chord distance of 98.32 feet to an iron rod;

Thence, South 51°40'11" East, for a distance of 175.94 feet to an iron;

Thence, southeasterly with a curve to the right having a radius of 876.50 feet, a central angle of 26°36'24" an arc length of 407.02 feet, a chord bearing of South 38°21'58" East, a chord distance of 403.38 feet to the POINT OF BEGINNING.

Containing 10,517,751.50 square feet, or 241.454 acres, more or less.

The above described tract is subject to the following:

1. Being subject to such state of facts an accurate title search may disclose.

2. Description based on a survey dated March 28, 1991 by

James M. Naive, RLS #819
ERCE
Civil Engineering Division
3325 Perimeter Hill Drive
Nashville, TN 37211
Phone No. (615)331-3520

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