Prepared by:
Gwen E. N. McFarland
CHEATHAM & PALERMO
43 Music Square West
Nashville, TN 37203

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QUITCLAIM DEED AND COVENANT RUNNING WITH THE LAND

On the 23rd day of December, 1982, the First American National Bank, N.A., trustee under the Last Will and Testament of Robert A. McDowell, did transfer and convey by warranty deed unto William C. Gifford, his heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described more particularly in Book 5982, Page 107, in the Register of Deeds Office for Davidson County.

Included in said property was a family cemetery described on Page 103 of Book 5982 more particularly as "also included in said 28.385 acre tract but expressly excluded from the property hereinabove conveyed is a cemetery, with respect to which guarantors hereby convey to guarantee all their right, title, and interest. Said cemetery consists of 10 or more graves, is located along the northerly boundary of said 28.385 acre tract, and is described as follows:

> To reach the point of beginning, begin at the concrete highway monument at the intersection of the southerly right-of-way of I-24 and easterly right-of-way of Whites Creek Pike, the northwest corner of said 28.385 acre tract; thence,
>
> With the southerly right-of-way of I-24, S 80° 01' 02" E, a distance of 531.82' to the point of beginning; thence,
>
> 1. S 9° 58' 58" W, a distance of 100.00' to a point; thence,
>
> 2. S 80° 01' 02" E, a distance of 75.00' to a point; thence,
>
> 3. N 9° 58' 58" E, a distance of 100.00' to a point on the southerly right-of-way of I-24; thence,
>
> 4. N 80° 01' 02" W, a distance of 75.00' with the southerly right-of-way of I-24 to the point of beginning.
>
> There is hereby reserved an ingress and egress easement, which easement may be relocated by Grantee, his successors and assigns, to said cemetery along the westerly and northerly lines of the 28.385 acre tract, described as follows:
>
> Beginning at a point on easterly right-of-way of Whites Creek Pike, said point being located N 13° 46' 56" W, a distance of 270.00' from a concrete highway monument at the end of a controlled access fence; thence,
>
> 1. With the easterly right-of-way of Whites Creek Pike, N 13° 46' 56" W, a distance of 641.79' to a concrete monument on the south right-of-way of I-24; thence,

2. With the right-of-way of I-24, S 80° 01' 02" E, a distance of 531.82' to a point, the northwest corner of the cemetery described above; thence,

3. With the west line of said cemetery, S 9° 58' 58" W, a distance of 20.00' to a point; thence

4. N 80° 01' 02" W, a distance of 462.84' to a point; thence,

5. With a curve to the left having a radius of 25.00' and a central angle of 113° 45' 54" (and a chord bearing and distance of S 43° 06' 01" W, 41.88') a distance of 49.64' to a point; thence,

6. S 13° 46' 56" E, a distance of 572.81' to a point; thence,

7. S 76° 13' 04" W, a distance of 20.00' to the point of beginning.

The first mention of said cemetery was in a conveyance from W. T. Garrett, B. E. Garrett, and J. J. Garrett, to J. L. Bateman and Lydia A. Bateman on the January 23, 1860 found in Book 30, Page 328 of the Register of Deeds for Davidson County. Said deed reserved one acre for a burying ground by said Garretts. By the same instrument notice was made that the Batemans had previously transferred their interest in this property to F. A. Huot(sic).

There followed a series of transfers; to wit:

1. Hurt(sic) to Williams, Book 35, Page 119 R.O.D.C.

2. Jordan/Williams to Campbell to Youngblood(sic), Book 39, Page 179-80 R.O.D.C.

3. Younglove(sic) to Younglove, Book 47, Page 258, R.O.D.C.

4. Younglove to Stillwell, Book 48, Page 201, R.O.D.C.

5. Stillwell to Milliken, Book 255, Page 62

6. Milliken to Lamb, Book 1264, Page 18, R.O.D.C.

7. Lamb to Lamb, Book 1854, Page 107, R.O.D.C.

8. Lamb to McDowell, Book 3874, Page 976, R.O.D.C.

In some of these transfers the reservation of the cemetery was mentioned and in some it was not. On August 27, 1987, the heirs of the original Jonathan Garrett released the State of Tennessee from any responsibility, claim or liability for encroachment on said cemetery by the construction of Highway I-24.

Subsequently, the heirs enclosed the graves with a chain link fence with an access gate.

Now having recited the history of the land involved, the parties agree as follows:

1. Mr. Gifford will reconstruct a chain link fence with an access gate of comparable quality of the one he removed except the area will be reduced to 75' x 100'.

2. A covenant running with the land shall become a part of the deed that the current and subsequent owners will have no responsibility for maintaining the fence or tombstones but will trim and/or mow frequently enough to keep the cemetery from being taken over by weeds and brush.

3. The trustees of the Garrett Cemetery Trust will be responsible for maintaining the fence and all of the tombstones. The trustees of the Garrett Cemetery will and do hereby transfer by quitclaim deed any claim they have to any of the original one acre lot specified for the cemetery except for the 75' x 100' hereinabove designated and access thereto.

4. Should either of the parties, or subsequent parties, fail to fulfill their responsibilities to this agreement, the opposing party may take whatever recourse in law is necessary and shall be awarded their reasonable attorney's fees therefor.

In agreement hereto, we have set our hands this the 11th day of May, 1992.

Charles Anderson

CHARLES ANDERSON, TRUSTEE FOR GARRETT CEMETERY TRUST

John Ed Garrett

JOHN ED GARRETT, TRUSTEE FOR GARRETT CEMETERY TRUST

William Gifford

WILLIAM GIFFORD, OWNER

GG1126

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STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, a Notary Public in and for said County and State, the within named parties, CHARLES ANDERSON, JOHN ED GARRETT, and WILLIAM GIFFORD, barginors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes contained therein.

Witness my hand and official seal at Nashville, Tennessee, this the 11TH day of May, 1992.

Gwen E. McFarland
Notary Public

My Commission Expires: 1/23/94.

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IDENTIF. REFERENCE

MAY 20 8 55 AM '92

FELIX A. [illegible] REGISTER
DAVIDSON COUNTY TN.