BOOK 8745 PAGE 135

SPECIAL WARRANTY DEED

NEW OWNER	Send Tax Bills	Map/Parcel
Owen L. P. 1102 17th Avenue South, Suite 302 Nashville, Tennessee 37212	SAME	108-00-0 176.00

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, **SOUTHERN CAPITAL HOLDINGS**, A TENNESSEE GENERAL PARTNERSHIP, HEREINAFTER CALLED THE GRANTOR, HAS BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO **OWEN L. P.**, A TENNESSEE LIMITED PARTNERSHIP, HEREINAFTER CALLED THE GRANTEE, ITS HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN THE COUNTY OF DAVIDSON, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE FIRST CIVIL DISTRICT (FORMERLY THE THIRD CIVIL DISTRICT), DAVIDSON COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED IN **EXHIBIT "A"** ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

THIS CONVEYANCE IS MADE SUBJECT TO THOSE CERTAIN MATTERS DESCRIBED ON **EXHIBIT "B"** ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

THIS IS IMPROVED (X) UNIMPROVED ( ) PROPERTY. THIS IS NOT THE HOMESTEAD OF GRANTOR.

TO HAVE AND TO HOLD THE SAID TRACT OR PARCEL OF LAND WITH THE APPURTENANCES, ESTATE, TITLE AND INTEREST THERETO BELONGING TO THE SAID GRANTEE, ITS HEIRS AND ASSIGNS, FOREVER, AND I DO COVENANT WITH THE SAID GRANTEE THAT IA M LAWFULLY SEIZED AND POSSESSED OF SAID LAND IN FEE SIMPLE, HAVE A GOOD RIGHT TO CONVEY IT, AND THE SAME IS UNENCUMBERED, EXCEPT AS HEREIN SET OUT; AND I DO FURTHER COVENANT AND BIND MYSELF, MY HEIRS AND REPRESENTATIVES, TO WARRANT AND FOREVER DEFEND THE TITLE TO THE SAID LAND TO THE SAID GRANTEE, ITS HEIRS AND ASSIGNS, AGAINST THE LAWFUL CLAIMS OF ALL PERSONS CLAIMING BY, THROUGH OR UNDER GRANTOR EXCEPT AS HEREINABOVE SET FORTH. WHEREVER USED, THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL, THE PLURAL THE SINGULAR, AND THE USE OF ANY GENDER SHALL BE APPLICABLE TO ALL GENDERS.

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

IN TESTIMONY WHEREOF, witness the signature of the Seller on this the date and year first above written.

SOUTHERN CAPITAL HOLDINGS, a Tennessee general partnership

BY: _____
DEBBIE BURNS, PARTNER

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public, in and for said State and County, DEBBIE BURNS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be a Partner in Southern Capital Holdings, the within named bargainor, a partnership, and that she as such Partner, executed the foregoing instrument for the purpose therein contained, by signing the name of the Partnership by herself as Partner.

Witness my hand and seal, at office in Nashville, Davidson County, Tennessee, this 21st day of September, 1992.

_____
NOTARY PUBLIC

My Commission Expires:
1-23-94

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER IS $2,150,000.00.

_____
DEBBIE BURNS, PARTNER

Sworn to and subscribed to before me this 21st day of September, 1992.

_____
NOTARY PUBLIC

My Commission Expires:
1-23-94

This Instrument Prepared By:
PATRICIA R. YOUNG, LEVINE, MATTSON, ORR & YOUNG, 210 Third Avenue North, P. O. Box 2708, Nashville, Tennessee, 37219-0708

KMARTDONELSON/WARRANTY.DEED

EXHIBIT "A"

PROPERTY DESCRIPTION

BOOK 8745 PAGE 137

A tract of land in the First Civil District of Davidson County, Tennessee and being parcel 176 on Metro Tax Map 108 and being more particularly described as follows:

Beginning at a new iron pin in the west right-of-way of Donelson Pike, said pin being north 4° 36' east 258.04' from the center-line of Royal Parkway and being the southeast corner of tract 1 and proceeding as follows:

1. Leaving the west right-of-way by way of Donelson Pike with the common line between tracts 1 and 2 north 85° 25' 18" west 774.35' to a new iron pin in the east line of Thomas Nelson, Inc. Property, thence

2. With the east line of Thomas Nelson north 4° 36' 29" east 512.26' to an old iron pin in the south line of Royal Publishers, Inc. Property, thence

3. With the south line of Royal Publishers, Inc. Property and Commerce Union Bank Property south 86° 06' 30" east 577.79' to an old iron pin, thence

4. Continuing with the south line of Commerce Union Bank Property south 84° 58' 26" east 174.44' to an old iron pin in the west right-of-way of Donelson Pike, thence

5. With the west right-of-way of Donelson Pike in a southerly direction with a curve to the right having a radius of 3305.34' a distance of 382.45' to an old chiseled cross on edge of sidewalk, thence

6. Continuing with the west right-of-way of Donelson Pike south 4° 36' west 135.81' to the point of beginning containing 9.112 acres± as per survey by Turner Engineering Company dated September 1, 1992, titled W. B. Wiggins, Jr. Subdivision and being Job No. 56-67, W.O. No. 6663.

The above described Property being now shown as Tract 1 on W. B. Wiggins, Jr. Subdivision Plat of record in Plat Book 7900, Page 440 in R.O.D.C., Tennessee.

The above described Property being a part of the same Property conveyed to W. B. Wiggins, Jr. of record in Book 7252, Page 437, R.O.D.C, Tennessee and property conveyed by Quitclaim Deed from Provident Life and Accident Insurance Company of record in Book 8745 Page 61 R.O.D.C., Tennessee, and being the same property conveyed to Southern Capital Holdings, a Tennessee general partnership by deed from W. B. Wiggins, Jr. of record in Book 8745, Page 121, R.O.D.C., Tennessee.

RECORDERS MEMO
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EXHIBIT "B"

PERMITTED ENCUMBRANCES

BOOK 8745 PAGE 138

(Tract 1: K mart Shopping Center
at Donelson Pike, Nashville, Tennessee)

1. Taxes and assessments for 1992 and subsequent years.

2. All matters appearing on the Plan of W. B. Wiggins, Jr., Subdivision of record in Plat Book 7900, page 440, Register's Office for Davidson County, Tennessee.

3. Easements to Metropolitan Government of Nashville and Davidson County of record in Book 4966, page 24, Register's Office for Davidson County, Tennessee.

4. Easement granted Nashville Gas Company recorded in Book 3464, page 161, Register's Office for Davidson County, Tennessee.

5. Easement for water mains and appurtenances of record in Book 4966, page 27, Register's Office for Davidson County, Tennessee.

6. Easement reserved in Deed of record in Book 4871, page 53, Register's Office for Davidson County, Tennessee.

7. Non-exclusive easement reserved in the deed of record in Book 4697, page 904, Register's Office for Davidson County, Tennessee, as amended and modified by agreement of record in Book 4871, page 43, said Register's Office.

8. Right in favor of Davidson County, Tennessee as set out in deed of record in Book 3459, page 71, Register's Office for Davidson County, Tennessee.

9. Right of Entry for Temporary Construction Purposes of record in Book 5328, page 616, Register's Office for Davidson County, Tennessee.

10. Terms and provisions of that certain Lease dated April 17, 1973, between Wiggins Associates and S.S Kresge Company, a memorandum of which is of record in Book 4831, page 676, Register's Office for Davidson County, Tennessee, as amended by Lease Modification Agreement dated May 17, 1973 and as further amended by Lease Modification Agreement dated October 30, 1974.

11. Terms and provisions of that certain lease dated June 12, 1974, between Wiggins Associates and Winn-Dixie Louisville, Inc., as evidenced by Short Form Lease dated June 12, 1974, recorded in Book 4867, page 726, Register's Office for Davidson County, Tennessee, as amended by Supplemental Lease Agreement dated April 4, 1975, and as assigned by Assignment of Lease dated October 22, 1987.

12. Matters which would be disclosed by an accurate survey and inspection of the subject property.

13. Declaration of Reciprocal Easements dated September 29, 1992, by W. B. Wiggins, Jr., to be recorded in the Register's Office for Davidson County, Tennessee.

6382 10/01 0101 03CHECK 7972.00

509311

IDENTIFIT REFFRENCE

OCT 1 3 09 PM '92

DAVIDSON COUNTY, TN

PICK-UP

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RECORDERS MEMO
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OFFICIAL RECEIPT
FELIX Z. WILSON, II
REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____

FOR _____

BOOK 8745 PAGE 139

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
2150000.00
CON TX 7955.00
PRFEE 1.00
WDEED 16.00
TOTAL 7972.00
CHECK 7972.00

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK 10/6/92 101 15-10 0001 6382

50931

IDENTIFICATION REFERENCE

OCT 1 3 09 PM '92

FELIX Z. WILSON, II
DAVIDSON COUNTY, TN

No. 575932