Box 28

BOOK 9582 PG 972

# SPECIAL WARRANTY DEED

FROM: Third National Bank in Nashville, Grantor

TO: H. Whit Clark, Jr. and Steven G. Fridrich, Grantees

This instrument was prepared by:
Julian L. Bibb
Farris, Warfield & Kanaday
Third National Financial Center
424 Church Street, 18th Floor
Nashville, Tennessee 37219

Address New Owner(s) as Follows:

H.Whit Clark, Jr. and
Steven G. Fridrich
2909 Poston Avenue
Nashville, TN 37203

(new owner)

Name and Address of the Person or Entity Responsible for the Payment of Real Property Taxes

Map-Parcel Numbers

Field Book Numbers

104-14-7 (part of)

---

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The actual consideration or value, whichever is greater, for this transfer is One Hundred Seventy Eight Thousand Seven Hundred Dollars ($178,700.00).

H Whit Clark
Affiant

SUBSCRIBED AND SWORN TO before me, this the 27th day of DECEMBER, 1994.

Notary Public

My Commission Expires: Sept. 16, 1995

---

FOR AND IN CONSIDERATION OF the sum of One Hundred Seventy Eight Thousand Seven Hundred Dollars ($178,700.00), the receipt and sufficiency of which are hereby acknowledged, Third National Bank in Nashville (the "Grantor") has bargained and sold, and by these presents does transfer and convey unto H. Whit Clark, Jr. and Steven G. Fridrich (the "Grantees"), their heirs and assigns a certain tract or parcel of land in Davidson County, State of Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

The Property is unimproved property.

GRANTOR MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, TO GRANTEES WITH RESPECT TO THE PROPERTY (AND ANY IMPROVEMENTS THEREON), INCLUDING WITHOUT LIMITATION, WARRANTIES OR REPRESENTATIONS REGARDING ACREAGE, BOUNDARIES, ZONING, UTILITIES, USE, MERCHANTABILITY, FITNESS, OR PHYSICAL CONDITION OF THE PROPERTY AND/OR ANY IMPROVEMENTS THEREON. BY ITS ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, GRANTEES ACKNOWLEDGE THAT GRANTOR HAS MADE NO SUCH REPRESENTATIONS OR WARRANTIES, THAT GRANTEES HAVE MADE OR WILL MAKE SUCH INVESTIGATIONS AND ASSESSMENTS OF THE PROPERTY AS GRANTEES DEEMS OR HAVE DEEMED APPROPRIATE TO INFORM THEMSELVES AS TO THE CONDITION OF THE PROPERTY, AND THAT GRANTEES ARE PURCHASING THE PROPERTY AND/OR ANY IMPROVEMENTS THEREON "AS IS, WHERE IS AND WITH ALL FAULTS, IF ANY." GRANTEES HEREBY RELEASE, AND AGREE TO INDEMNIFY AGAINST AND HOLD GRANTOR, ITS AGENTS, SUCCESSORS AND ASSIGNS HARMLESS FROM, ANY AND ALL DAMAGES, LIABILITIES, CLAIMS AND CAUSES OF ACTION WHICH GRANTEES MAY HAVE AS A RESULT OF OR IN CONNECTION WITH ANY ASPECT OR CONDITION OF THE PROPERTY AND/OR ANY IMPROVEMENTS THEREON.

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with the appurtenances, estate, title and interest thereto belonging to the Grantees, their heirs and assigns forever.

And Grantor does covenant with the Grantees that Grantor is lawfully seized and possessed of the Property in fee simple and Grantor has a good right to convey the Property.

And Grantor does further covenant and bind Grantor, its successors and assigns to warrant and forever defend the title to the Property to the Grantees, their heirs and assigns against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not further or otherwise, except as to those matters set forth on Exhibit B, to which this conveyance is expressly made subject.

Witness our hands this 23rd day of January, 1995.

Third National Bank in Nashville

By: E. Huntley Bond

Title: Corp Vice President

By: Thomas R Snyder

Title: First Vice President

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Before me, Debbie Christensen, a Notary Public of said County and State, personally appeared E. Huntley Bond, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him self to be Corp Vice President (or other officer authorized to execute the instrument) of Third National Bank in Nashville, the within named bargainor, a national banking association, and that E. Huntley Bond as such Corp Vice President executed the foregoing instrument for the purposes therein contained, by signing the name of the national banking association by him self as Corp Vice President.

Witness my hand and seal, at Office in Nashville, this 23 day of January, 1995.

Debbie Christensen
Notary Public

My Commission Expires: My Commission Expires MAR 21, 1998

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Before me, Debbie Christensen, a Notary Public of said County and State, personally appeared Thomas R Snyder, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him self to be Thomas R Snyder (or other officer authorized to execute the instrument) of Third National Bank in Nashville, the within named bargainor, a national banking association, and that Thomas R Snyder as such First Vice President executed the foregoing instrument for the purposes therein contained, by signing the name of the national banking association by himself self as First Vice President.

Witness my hand and seal, at Office in Nashville, this 23 of January, 1995.

Debbie Christensen
Notary Public

My Commission Expires: [illegible]

EXHIBIT A TO SPECIAL WARRANTY DEED

Lot 15 on the Final Plat of Whitworth, Phase 3, Section 3, of record in Book 7900, page 870, amended in Book 9582 page 842, in the Office of the register of Deeds for Davidson County, Tennessee, to which reference is made for a more particular description.

Being part of the same property conveyed to Third National Bank in Nashville, by deed from RCC Associates, L.P. of record in Book 8236, page 176, Register's Office for Davidson County, Tennessee.

EXHIBIT B to SPECIAL WARRANTY DEED

1. Metro taxes for 1995 which have been prorated and assumed by the Grantee.

2. Boundary Plat for Whitworth, of record in Book 6900, page 838-841, said Register's Office.

3. Matters shown on the Plan of record in Book 7900, page 870-872, amended in Book 9582, page 842, Register's Office for said County.

4. Declaration of Covenants, Conditions, Liens, Easements, and Restrictions, including but not limited to, easements, assessments, special assessments, charges and liens, contained in an instrument of record in Book 9567, page 301, said Register's Office.

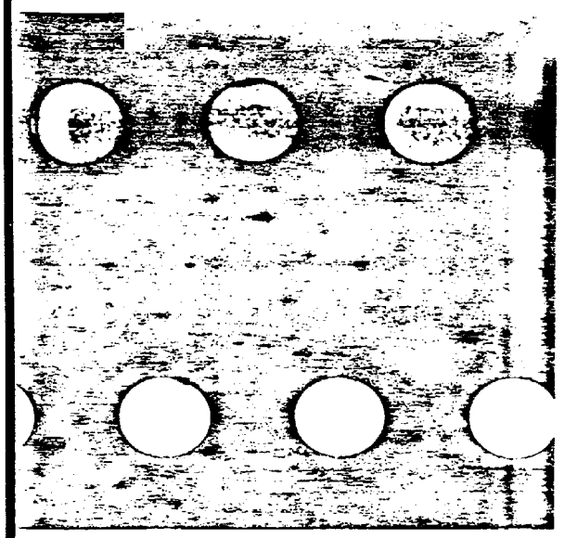
5. Declaration of Covenants, Conditions, and Restrictions for SWMA including, but not limited to easements, assessments, special assessments, charges and liens contained in an instrument of record in Book 9567, page 185, said Register's Office.

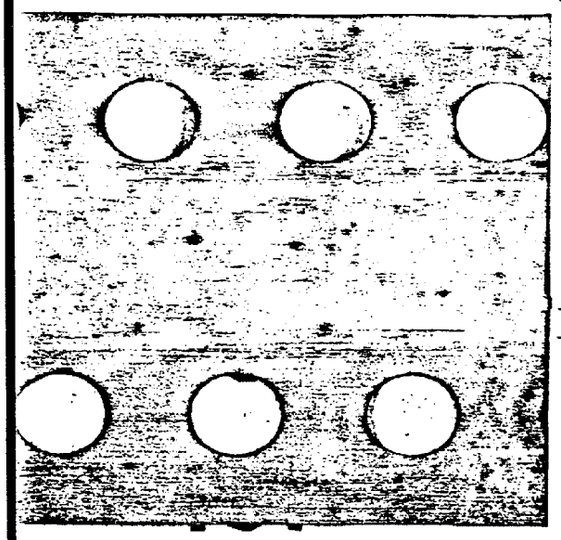
6. Rights of others in and to the common elements.

6864 01/31 0101 03CHECK 682.19

29662
IDENTIF. & REFERENCE

95 JAN 31 PM 3:14
REGISTER
DAVIDSON COUNTY, TN.





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

RECEIVED OF _____

FOR _____

BOOK 9582 PG 977

| | | |
|---|---|---|
| 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 | 178700.00 |
| CON TX | 661.19 |
| PRFEE | 1.00 |
| WDEED | 20.00 |
| TOTAL | 682.19 |
| CHECK | 682.19 |

01/31/95 01 15:14 0001 6864

**RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK**

29662
IDENTIF. & REFERENCE

95 JAN 31 PM 3:14

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

**No.** 876632