BOOK 9811 PG 263

#4

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $ 0 .

Louis M Redmond
Affiant

Subscribed and sworn to before me this 28 day of September, 1995.

Carolyn E. Leek
Notary Public

My Commission expires: My Commission Expires MAR. 27, 1999

0106600
IDENTIF. & REFERENCE

95 SEP 29 PM 3:35
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

THIS INSTRUMENT PREPARED BY:

Gullett, Sanford, Robinson & Martin
230 Fourth Avenue, North
P. O. Box 198888
Nashville, TN 37219-8888

3814 EP/2P 0101 03CHECK 20.00

## INSTRUMENT OF CORRECTION OF SPECIAL WARRANTY DEED

**THIS INSTRUMENT OF CORRECTION OF SPECIAL WARRANTY DEED** is made by and between **FACTORY STORES OF AMERICA, INC.**, a Delaware corporation ("Grantor"), and **FIDDLER'S INN, INC.**, a Tennessee corporation ("Grantee").

**RECITALS:**

1. Grantor executed and delivered to Grantee that certain Special Warranty Deed, dated July 11, 1994, which was recorded on July 22, 1994, in Book 9415, page 625, Register's Office for Davidson County, Tennessee.

2. The Special Warranty Deed contained an incorrect legal description, in that there were two incorrect calls in the metes and bounds description appearing in the Special Warranty Deed.

3. Grantor and Grantee desire to correct the Special Warranty Deed by substituting Exhibit A attached hereto for the Exhibit A that was included with the original Special Warranty Deed.

**AGREEMENT:**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree that Exhibit A attached hereto

is hereby substituted for Exhibit A contained in the original Special Warranty Deed, as described above. In all other respects, the Special Warranty Deed shall remain in full force and effect, as originally executed, delivered, and recorded. Grantor ratifies and reaffirms the Special Warranty Deed in all respects, provided that Grantor makes no warranties as to the subject property with respect to any matter arising after the date of the original Special Warranty Deed.

This instrument may be executed in one or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same document.

**IN WITNESS WHEREOF**, this instrument is executed this 26th day of September, 1995.

**GRANTOR:**

**FACTORY STORES OF AMERICA, INC.,**
a Delaware corporation

By: _____

Name: J. Dixon Fleming, Jr.

Title: Chairman and CEO

**GRANTEE:**

**FIDDLER'S INN, INC.,**
a Tennessee corporation

By: Louis A. McRedmond
Louis A. McRedmond, President

STATE OF North Carolina )
COUNTY OF Johnston )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, J. Dixon Fleming, Jr., with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Chairman of CEO of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

**WITNESS** my hand, at office, this 26th day of September, 1995.

_____
Notary Public

WENDY H. HOWARD NOTARY PUBLIC JOHNSTON CO., N.C.

My Commission Expires: 2/2/98

0029164.01

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Louis A. McRedmond, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the President of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

**WITNESS** my hand, at office, this 28 day of September, 1995.

Carolyn E Leek
Notary Public

My Commission Expires: My Commission Expires MAR. 27, 1999

CAROLYN E LEEK NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

**EXHIBIT A**

**Legal Description**

TRACT I:

A tract of land in the First Civil District of Metropolitan Nashville and Davidson County, Tennessee, being more particularly described, according to an office survey by Ragan Smith Associates, Inc., dated July 7, 1994, Issue No. 1 dated July 13, 1994, Job No. 90-049-4513 (being shown thereon as Phase II of Lot 2), as follows:

Beginning at a point in the easterly property line of the Gleaves Farm Ltd. property as recorded in Book 6849, Page 546, R.O.D.C., Tennessee; said point being N 10° 04' 58" E, 370.49 feet from the northerly right-of-way of McGavock Pike along said Gleaves property and proceeding as follows:

1. With the easterly line of the Gleaves Farm, Ltd., tract, N 10° 4' 58" E, 8.31 feet to a point; thence,

2. N 10° 57' 08" E, 772.0 feet to a point; thence,

3. Leaving said easterly line, S 41° 38' 30" E, 97.50 feet to a point; thence,

4. S 04° 02' 18" E, 22.93 feet to a point; thence,

5. S 48° 32' 36" E, 23.23 feet to a point; thence,

6. With a curve to the right having a radius of 213.37 feet a distance of 98.23 feet; said curve having a chord bearing and distance of S 35° 21' 17" E, 97.36 feet to a point; thence,

7. S 22° 09' 59" E, 17.71 feet to a point; thence,

8. With a curve to the right having a radius of 994.94 feet a distance of 130.06 feet; said curve having a chord bearing and distance of S 18° 25' 17" E, 129.97 feet; thence,

9. S 3° 26' 49" E, 57.23 feet to a point; thence,

10. S 10° 51' 26" E, 347.63 feet to a point; thence;

11. With a curve to the right having a radius of 293.29 feet a distance of 88.99 feet to a point; said curve having a chord bearing and distance of S 2° 09' 53"E, 88.65 feet; thence,

12. N 82° 50' 55" W, 411.50 feet to the point of beginning and containing 201,806 square feet or 4.63 acres, more or less.

TRACT II:

A tract of land in the First Civil District of Metropolitan Nashville and Davidson County, Tennessee, being more particularly described, according to an office survey by Ragan Smith Associates, Inc., dated July 7, 1994, Issue No. 1 dated July 13, 1994, Job No. 90-049-4513 (being shown thereon as a portion of Phase I of Lot 2), as follows:

Beginning at a point in the southwest corner of the Factory Stores of America, Inc. property, as recorded in Book 9197, Page 283 R.O.D.C., Tennessee (said point also being the northwest corner of a 3.31 acre tract, as shown on a survey entitled "ALTA/ACSM Land Title Survey for Music Valley Partners Limited Partnership, Bank One, Dayton, N.A., Chicago Title Insurance Company, HCM Opryland, Inc., Music Valley Acres, Inc., and Old Republic National Title Insurance Company," by Ragan Smith Associates, Inc., updated December 20, 1993, Job No. 90-049, Work Order 3426, certified by John O. Spry, Registered Land Surveyor, Tennessee No. 727), said point being North 10 degrees, 4 minutes, 58 seconds East, 340.45 feet from a point in the North right-of-way of McGavock Pike, said point also lying in the easterly line of the Gleaves Farm Ltd. property, of record in Book 6849, Page 546, R.O.D.C., Tennessee; thence,

1. Continuing with the Gleaves Farm Ltd. tract, N 10° 04' 58" E, 30.04 feet to a point; said point being the southwest corner of a Lot 2, Phase II, as shown on said office survey; thence,

2. Leaving Gleaves' line, S 82° 50' 55" E, 431.02 feet to a point adjacent to and behind a concrete curb; said curb being in the westerly curb line of a drive serving the Factory Stores of America Outlet Center; thence,

3. Along the back of said curb line, S 00° 52' 30" W, 176.75 feet to a point in the back of said curb line; thence,

4. Continuing with the back of said curb line, S 10° 33' 02" W, 142.35 feet to a point; thence,

5. Continuing with said back of curb, S 15° 38' 45" W, 52.79 feet to a point in the north right-of-way of McGavock Pike; thence,

6. Leaving the curb and with the right-of-way of McGavock Pike, N 82° 50' 55" W, 18.58 feet to a point; said point being the southeast corner of the 3.31 acre tract; thence,

7. With said easterly line of said tract, N 6° 31' 39" E, 340.02 feet to a point; said point being the northeast corner of the 3.31-acre tract; thence,

8. N 82° 50' 55" W, 413.36 feet to the point of beginning and containing 23,057 square feet or 0.529 acres, more or less.

(The southern boundary line of Tract I, as described above, lies adjacent to the northern boundary line of Tract II, as described above.)

Tracts I and II being part of the same property conveyed to Factory Stores of America, Inc., by deed from Music Valley Partners Limited Partnership, of record in Book 9197, page 283, Register's Office for Davidson County, Tennessee.