BOOK 10301 PG 151

Box 49
33928

Upon recording, please return to:
H. Dennis Panter & Associates, LLC
1827 Powers Ferry Road
Building 10, Suite 200
Atlanta, Georgia 30339

| Address New Owner(s) | Send Tax Bills To: | Map-Parcel Number(s) |
|---|---|---|
| Treetop Enterprises, Inc.<br>5040 Linbar Drive, Ste. 300<br>Nashville, Tennessee 37211 | Treetop Enterprises, Inc.<br>5040 Linbar Drive, Ste. 300<br>Nashville, Tennessee 37211 | 160-56.02 |

## SPECIAL WARRANTY DEED

THIS INDENTURE, is made as of the 20th day of December, in the year one thousand nine hundred ninety-six, between ARBY'S RESTAURANT CONSTRUCTION COMPANY, A DELAWARE CORPORATION, as party or parties of the first part, hereinafter called Grantor, and TREETOP ENTERPRISES, INC., A TENNESSEE CORPORATION, whose tax mailing address is 5040 Linbar Drive, Suite 300, Nashville, Tennessee 37211, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of Ten and No/100ths ($10.00) Dollars and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee:

A CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN NASHVILLE, FIRST CIVIL DISTRICT, THIRTY-SECOND COUNCILMANIC DISTRICT OF DAVIDSON COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF (hereinafter referred to as the "Property")

Together with all of Grantor's right, title and interest in the buildings and improvements located on the Property, if any, and public roads and streets adjoining the Property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE, subject, however, to those matters set forth on Exhibit "B" attached hereto and made a part hereof (hereinafter referred to as the "Permitted Exceptions").

BOOK 10301 PG 152

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described Property unto the said Grantee against the claims of all persons claiming by, through or under Grantor, subject to the Permitted Exceptions, but not further or otherwise.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

ARBY'S RESTAURANT CONSTRUCTION COMPANY, A DELAWARE CORPORATION

BY: _____

ITS: Vice President / Controller

BY: _____

ITS: Asst. Sec.

[CORP SEAL]

STATE OF Florida
COUNTY OF Broward

Personally appeared before me, the undersigned Notary, a Notary Public in the aforesaid county and state, Kenneth C. Fischer and Christine Marshall, with whom I am personally acquainted and who acknowledge themselves to be the V.P / Controller and Asst. Secretary respectively, of Arby's Restaurant Construction Company, a Delaware Corporation, the within named bargainor, and that they, as such officers, being authorized to do so, executed the aforegoing instrument for the purposes therein contained by signing the name of the corporation by themselves as such officers.

WITNESSETH MY HAND AND OFFICIAL SEAL THIS 19th DAY OF DECEMBER, 1996.

_____
Notary Public

My Commission Expires: _____

[Notarial Seal]

c:\hdp\waffle\Brentwood.swd

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
MARJORIE E FIGUEROA
COMMISSION NUMBER
CC488213
MY COMMISSION EXP.
AUG. 14,1999

BOOK 10301 PG 153

STATE OF Florida
COUNTY OF Broward

I hereby swear or affirm that the actual consideration or true value of this transfer, whichever is greater, is $340,000.00.

x _____
Affiant

Sworn to and subscribed before me this 19th day of December, 1996.

_____
Notary Public

My Commission Expires:_____

[Notarial Seal]

OFFICIAL NOTARY SEAL
MARJORIE E FIGUEROA
COMMISSION NUMBER
CC488213
MY COMMISSION EXP.
AUG 14 1999

**EXHIBIT "A"**

Being a parcel of land in Nashville, First Civil District, Thirty-Second Councilmanic District, Davidson County, Tennessee, located in the northwesterly quadrant of the intersection of Old Hickory Boulevard and Franklin Pike Circle and being more particularly described as follows:

BEGINNING at an iron pin at the point of intersection of the northerly right-of-way line of Old Hickory Boulevard and the westerly right-of-way line of Franklin Pike Circle;

THENCE, with said northerly right-of-way line with a curve to the left 66.53 feet to a concrete monument, said curve having a central angle of 04° 49' 06", a radius of 791.12 feet, a tangent of 33.28 feet and a chord of S 56° 11' 10" W, 66.51 feet;

THENCE, continuing with said right-of-way line S 53° 46' 37" W, 257.60 feet to an iron pin;

THENCE, leaving said right-of-way line with the easterly line of property conveyed to Gail P. Pigg, Trustee by deed of record in Book 6475, Page 369, R.O.D.C., N 05° 50' 08" E, 300.56 feet to an iron pin in the westerly right-of-way line of Franklin Pike Circle;

THENCE, with said right-of-way line S 82° 02' 12" E, 101.83 feet to an iron pin;

THENCE, continuing with said right-of-way line with a curve to the right 170.45 feet to the point of beginning, said curve having a central angle of 60° 05' 42", a radius of 162.51 feet, a tangent of 94.01 feet and a chord of S 53° 59' 56" E, 162.74 feet.

Containing 42,346 square feet or 0.972 acre.

Being the same property conveyed to Arby's Restaurant Construction Company by deed of record in Book 9718, page 392, Register's Office of Davidson County, Tennessee.

RECORDER'S MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN
THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

**EXHIBIT "B"**

BOOK 10301 PG 155

1. General or special taxes and assessments required to be paid in the year 1997 and subsequent years, not yet due and payable.

2. Restrictions as contained in Book 9642, page 851, Register's Office for Davidson County, Tennessee.

3. Lack of right of access to controlled access highway (Old Hickory Boulevard) said right of access as conveyed along with fee title to property by deed of record in Book 3643, page 413, aforesaid records.

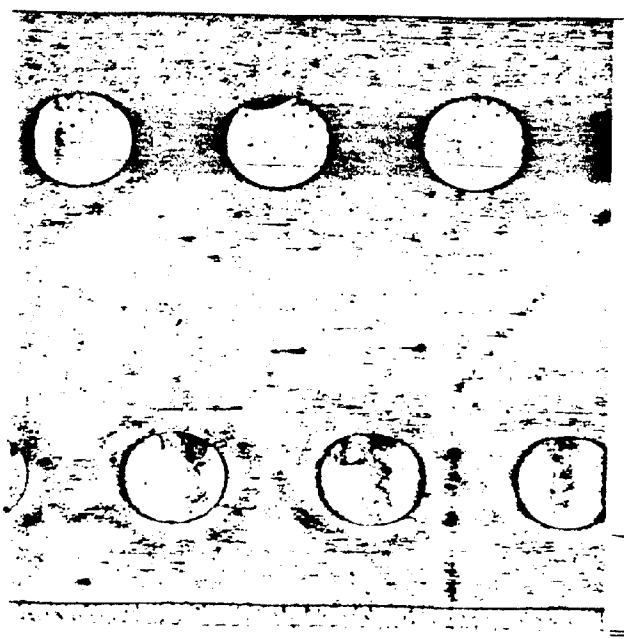
0259006

IDENTIF. & REFERENCE

96 DEC 26 PM 2:39

REGISTER
DAVIDSON COUNTY, TN.

9224 12/26 0101 03CHECK 1279.00



**OFFICIAL RECEIPT**

FELIX Z. WILSON, II

REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____

FOR _____

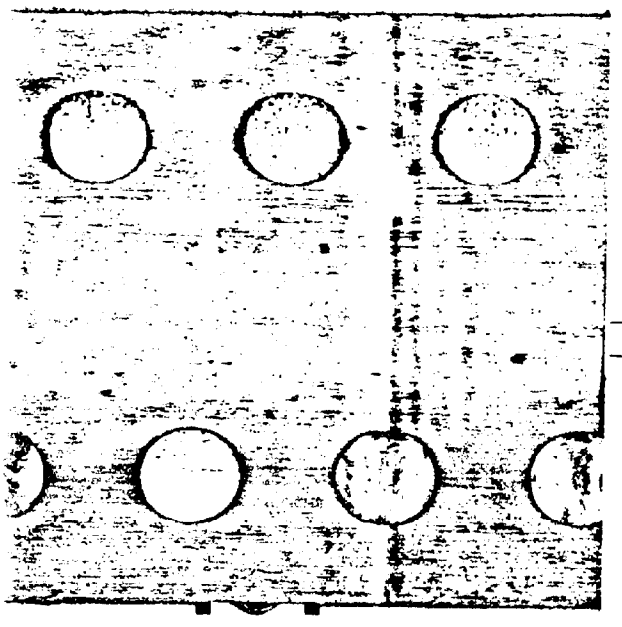
BOOK 10301 PG 156

CO - CONVEYANCE
MO - MORTGAGE
WD - WARRANTY DEED
TD - TRUST DEED

CC - CERTIFIED COPY
REL - RELEASE
UCC - UNIFORM COMMERCIAL CODE

MISC - MISCELLANEOUS
CO TX - STATE TAX CONVEY
MO TX - STATE TAX MORT
PRFEE - PROBATE FEE

| DATE | SYMBOL | VALUATION | TAX AND FEES | TOTAL PAID |
|---|---|---|---|---|



CAMT 340000.00
CON TX 1258.00
MOR TX 1.00
WDEED 20.00
TOTAL 1279.00
CHECK 1279.00

12/26/96 01 14:41 0001 9224

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

0259006
IDENTIF. ↑ REFERENCE

96 DEC 26 PM 2:39
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

No. 1101789