File 35
CT Inc

BOOK 10388 PG 967

97 MAR 20 PM 4:21
FELIX A. ... REGISTER
DAVIDSON COUNTY, TN.

IDENTIF. ... REFERENCE

02851136

This instrument prepared by:

Judith E. Gowing, Esq.
Dickinson Wright, Moon,
Van Dusen & Freeman
525 N. Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304

WARRANTY DEED

Address New Owner(s) as follows:	Send Tax Bills To:	Tax Parcel Numbers:
Troy CMBS Property, L.L.C. 3100 W. Big Beaver Suite U-132 Troy, MI 48084 Attention: Manager Michael Viola	Troy CMBS Property, L.L.C. 3100 W. Big Beaver Suite U-132 Troy, MI 48084 Attention: Manager Michael Viola	MAIN: 149-323 MAIN: 149-324 MAIN: 149-325 MAIN: 149-326 MAIN: 149-327 MAIN: 149-328 OUTLOT: 149-321

FOR AND IN CONSIDERATION of the sum of Ten dollars and no/100 ($10.00), cash in hand paid by the Grantee and other good and valuable considerations accepted as cash, the receipt and sufficiency of which is hereby acknowledged, Kmart Corporation, a Michigan corporation, whose address is 3100 W. Big Beaver Road, Troy, Michigan 48084 here this day bargained and sold, and does hereby transfer and convey unto Troy CMBS Property, L.L.C., a Delaware limited liability company, whose address is 3100 W. Big Beaver Road, Troy, Michigan 48084, the Grantee herein, its successors, assigns, certain real estate in Davidson County, Tennessee as follows:

See Exhibit A attached hereto.

TO HAVE AND TO HOLD said real estate, with the appurtenance, estate, title and interest thereto belonging, to the Grantee, its successors and assigns forever.

Grantor covenants that it is lawfully seized and possessed of said real estate in fee simple, has a good right to convey it, and that the same is unencumbered, except for those encumbrances of record, real estate taxes and/or assessments and matters which would be disclosed by an accurate survey and/or inspection of the premises.

Grantor further covenants and binds itself, its successors and assigns, to warrant and forever defend the title to said real estate to said Grantee, its successors and assigns, against the lawful claims of all persons.

Nashville, TN
Kmart Store #3644

Witness my hand this 26 day of February, 1997, the corporate party, if any, having caused its name to be signed hereto by its duly authorized officers on said day and date.

WITNESS:

Christine Kowalik
Christine Kowalik

Cynthia A. Moore
Cynthia A. Moore

KMART CORPORATION

By: James Churilla
James Churilla

Its: VICE PRESIDENT

Nashville, TN
Kmart Store #3644

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Before me, Cherene L. Reese, a Notary Public of the State and County aforesaid, personally appeared James Churilla, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Vice President of Kmart Corporation, the within named bargainor, a corporation, and that he as such Vice President being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as Vice President.

Witness my hand and official seal, at office in Bloomfield Hills, MI this 26th day of February, 1997.

Notary Public

My Commission Expires:

_____

NOTARY PUBLIC OAKLAND CO., MICH.

CHERENE L. REESE
Notary Public, Oakland County, Michigan
My Commission Expires June 17, 1997

Nashville, TN
Kmart Store #3644

BOOK 10386 PG 970

STATE OF Michigan
COUNTY OF Oakland

The affiant swears or affirms that the actual considerations or value whichever is greater, for this transfer is $ 4,900,000.

Subscribed and sworn to before me this 4th day of March, 1997.

My commission expires: _____
(Affix Seal)

CAROL A. DOWNES
Notary Public, Oakland County, Michigan
My Commission Expires May 18, 2000

James P. Churilla
Affiant James P. Churilla
Title Vice President

Carol A. Downes
Notary Public

AA0086JA0D 11335/4196 BL01 146773-1 (3/25/97)

EXHIBIT A

LEGAL DESCRIPTION

A tract of land in the Second Civil District of Metropolitan Nashville, Davidson County, Tennessee, being Lot No. 7 on plat entitled "P.U.D. Boundary Plat and Subdivision Plat, K Mart Corporation" as of record in Book 7900, Page 289, R.O.D.C., Tennessee and also being Parcel 327 on Tax Map 149 and being more particularly described as follows:

BEGINNING at an iron pin set on the westerly right-of-way line of Murfreesboro Pike, U.S. 41 and 70-S at the southerly end of the southerly return curve at Shiaway Drive and Murfreesboro Pike; thence,

1. With the westerly right-of-way line of Murfreesboro Pike with a curve to the left (radius 2342.00 feet) southeastwardly a distance of 72.82 feet to a concrete highway monument and having a chord bearing and distance of S25 degrees 59'35"E, 72.81 feet; thence,

2. Continuing with the westerly right-of-way line of Murfreesboro Pike with a curve to the left (radius 1462.50 feet) southeastwardly a distance of 38.73 feet to an iron pin set, corner of Lots 7 and 8 on above-noted plan of K Mart Corporation and having a chord bearing and distance of S23 degrees 52'52"E, 38.73 feet; thence,

3. With the common line between Lots 7 and 8 S68 degrees 41'12"W, 164.25 feet to an iron pin set at the beginning of a curve; thence,

4. With said curve to the left (radius 20.0 feet) southwestwardly a distance of 34.41 feet to an iron pin set and having a chord bearing and distance of S19 degrees 23'34"W, 30.32 feet; thence,

5. Continuing with the common line of Lots 7 and 8 S29 degrees 54'04"E, 210.66 feet to an iron pin set; thence,

6. Continuing with the common line of Lots 7 and 8 N68 degrees 56'12"E 95.79 feet to an iron pin set; thence,

7. Continuing with the common line of Lots 7 and 8 N56 degrees 53'54"E, 87.00 feet to an iron pin set on the westerly right-of-way line of Murfreesboro Pike; thence,

8. With the westerly right-of-way line of Murfreesboro Pike with a curve to the left (radius 1462.50 feet) southeastwardly a distance of 254.00 feet to a concrete highway monument and having a chord bearing and distance of S38 degrees 04'37"E, 253.68 feet; thence,

9. Continuing with the westerly right-of-way line of Murfreesboro Pike with a curve to the left (radius 2342.00 feet) southwestwardly a distance of 65.33 feet to an iron pin set at a common corner of Lots 7 and 2 on above-noted plan and having a chord bearing and distance of S40 degrees 05'25"E, 65.33 feet; thence,

10. With the common line of Lots 7 and 2 (Lot No. 2 owned by McDonald's of Hawaii by deed recorded in Book 8451, Page 512, R.O.D.C., Tennessee) S40 degrees 32'11"W, 214.69 feet to an iron pin set; thence,

11. Continuing with the common line between Lots 7 and 2 S36 degrees 34'23"E, 103.33 feet to an iron pin set; thence,

12. Continuing with the common line between Lots 7 and 2 S47 degrees 01'34"E, 55.43 feet to an iron pin set at the beginning of a curve; thence,

13. With said curve to the left (radius 25.00 feet) southwestwardly a distance of 40.68 feet to an iron pin set on the northerly right-of-way line of Edge-O-Lake Drive, having a chord bearing and distance of S86 degrees 21'14"W, 36.34 feet; thence,

14. With the northerly right-of-way line of Edge-O-Lake Drive with a curve to the left (radius 3037.00 feet) southwestwardly a distance of 186.94 feet to an iron pin set and having a chord bearing and distance of S37 degrees 58'14"W, 186.92 feet; thence,

15. Continuing with the northerly right-of-way line of Edge-O-Lake Drive with a curve to the right (radius 2963.00 feet) southwestwardly a distance of 129.54 feet to a P.K. nail set and having a chord bearing and distance of S37 degrees 27'35"W, 129.53 feet; thence,

16. Continuing with the northerly right-of-way line of Edge-O-Lake Drive S39 degrees 24'13"W, 249.99 feet to a P.K. nail set; thence,

17. Continuing with the northerly right-of-way line of Edge-O-Lake Drive with a curve to the left (radius 3030.00 feet) southwestwardly a distance of 93.80 feet to an iron pin set at the beginning of a curve and having a chord bearing and distance of S41 degrees 08'25"W, 93.79 feet; thence,

18. With a curve to the right (radius 25.00 feet) southwestwardly a distance of 38.86 feet to an iron pin set on the easterly right-of-way line of Highmeadows Drive and having a chord bearing and distance of S84 degrees 47'04"W, 35.07 feet; thence,

19. With the easterly right-of-way line of Highmeadows Drive N50 degrees 41'04"W, 60.41 feet to an iron pin set; thence,

20. Continuing with the easterly right-of-way line of Highmeadows Drive with a curve to the right (radius 316.05 feet) northwestwardly a distance of 92.02 feet to an iron pin set and having a chord bearing and distance of N42 degrees 20'38"W, 91.69 feet; thence,

21. Continuing with the easterly right-of-way line of Highmeadows Drive N34 degrees 00'12"W, 89.45 feet to an iron pin set at the beginning of a curve; thence,

22. With said curve to the left (radius 393.35 feet) northwestwardly a distance of 106.14 feet to an iron pin set and having a chord bearing and distance of N41 degrees 44'00"W, 105.82 feet; thence,

23. Continuing with the easterly right-of-way line of Highmeadows Drive N49 degrees 27'49"W, 88.59 feet to an iron pin set in the easterly line of Sam Sanders, Jr. property as of record in Deed Book 8100, Page 138, R.O.D.C., Tennessee and the westerly line of the herein-described Lot No. 7; thence,

24. With the common line of Sanders and Lot No. 7 N05 degrees 23'52"E, 288.17 feet to an iron pin set; thence,

25. Continuing with common line of Sanders and Lot 7 N69 degrees 02'20"W, 270.29 feet to an iron pin set; thence,

26. Continuing with common line of Sanders and Lot 7 N56 degrees 36'38"W, 173.27 feet to an iron pin set; thence,

27. Continuing with common line of Sanders and Lot 7 N19 degrees 26'49"W, passing a corner of Detention Pond Easement (described below) at 61.22 feet, a total of 312.22 feet to an iron pin set; thence,

28. Continuing with the common line of Sanders and Lot No. 7 N33 degrees 24'04"E, passing a corner of Detention Pond Easement (described below) at 185.00 feet, a total of 309.34 feet to an iron pin set on the right-of-way at the end of cul-de-sac of Shiaway Drive; thence,

29. With the right-of-way of Shiaway Drive cul-de-sac with a curve to the left (radius 50.00 feet) southeastwardly a distance of 146.96 feet to an iron pin and having a chord bearing and distance of S50 degrees 47'55"E, 99.49 feet; thence,

30. Continuing with the southerly right-of-way line of Shiaway Drive with a curve to the right (radius 50.0 feet) northeastwardly a distance of 46.42 feet to an iron pin set and having a chord bearing and distance of N71 degrees 36'01"E, 44.77 feet; thence,

31. Continuing with the southerly right-of-way line of Shiaway Drive S81 degrees 47'57"E, 240.01 feet to an iron pin set at the beginning of a curve; thence,

32. Continuing with the southerly right-of-way line of Shiaway Drive with a curve to the left (radius 275.30 feet) northeastwardly a distance of 153.05 feet to an iron pin set and having a chord bearing and distance of N82 degrees 16'26"E, 151.09 feet; thence,

33. Continuing with the southerly right-of-way line of Shiaway Drive N66 degrees 20'49"E, 167.91 feet to an iron pin set at the beginning of a curve; thence,

34. With said curve to the right (radius 30.00 feet) southeastwardly a distance of 46.37 feet to the point of beginning and having a chord bearing and distance of S69 degrees 22'40"E, 41.89 feet.

Lot No. 7 contains 897.117 square feet or 20.595 acres.

Being a part of the same property conveyed to Kmart Corporation from First Atlantic Management Corporation by Warranty Deed recorded in Book 7059, Page 710, Register's Office of Davidson County, Tennessee and also being a part of same property conveyed to Kmart Corporation from Sam Sanders, Jr. by Warranty Deed recorded in Book 8319, Page 757, R.O.D.C., Tennessee.

Running with the above-described tract is a Detention Pond Easement being more particularly described as follows:

To reach the point of beginning, begin at an iron pin set at the corner of Lot No. 7 where it intersects the right-of-way of Shiaway Drive cul-de-sac; thence, with the westerly line of Lot No. 7 S 33°24'04"W, 124.34 feet to the true point of beginning; thence,

1. With the westerly line of Lot No. 7 S33°24'04" W, 185.0 feet to an iron pin; thence,
2. Continuing with the west line of Lot No. 7 S19°26'49" E, 251.00 feet; thence,

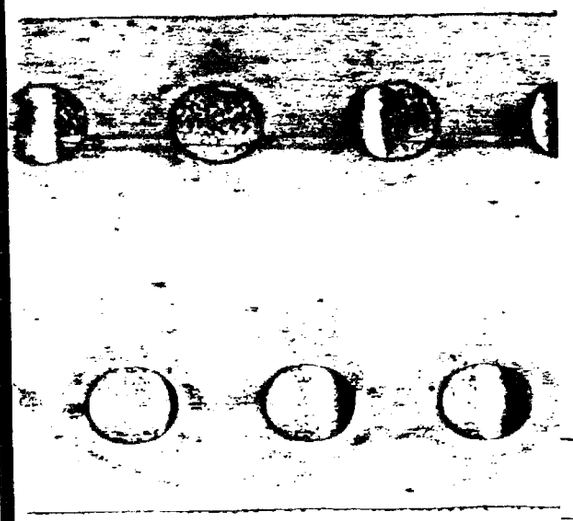
3. Leaving Lot No. 7 and severing Sam Sanders, Jr. property N73°28'14"W, 416.04 feet to an iron pin; thence,
4. N 13°33'52" E, 283.50 feet to an iron pin; thence,
5. S89°32'11" E, 350.64 feet to the point of beginning and containing 108,985 square feet or 2.5 acres.

Being Exhibit "C", Detention Pond Easement as described in Easement Agreement recorded in Book 8319, Page 761, R.O.D.C., Tennessee.

Together with the rights and interest as described in the Declaration of Easements, Restrictions and Operating Agreements dated September 24, 1991 recorded in Book 8451, Page 495.

AA00A5F50B 11335/4196 BL01 139522-3 (2/9/97)

9405 03/20 0101 03CHECK 18167.00



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

RECEIVED OF _____

FOR _____

BOOK 10386 PG 976

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	
				4900000.00
			CON TX	18130.00
			PRFEE	1.00
			WDEED	36.00
			TOTAL	18167.00
			CHECK	18167.00
03/20/97	01		16:24 0001	9405

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

0285136
IDENTIFICATION REFERENCE

97 MAR 20 PM 4:21
FELIX Z. WILSON, II REGISTER
DAVIDSON COUNTY, TN.

No. 1129719