Box 37
BCCB(BW)

| Address New Owner: | Map-Parcel Numbers | Send Tax Bills To |
|---|---|---|
| American General Life and Accident Insurance Company<br>American General Center<br>Nashville, Tennessee 37250-0001 | Part of Map 174, Parcel 29 | Same as New Owner |
| This instrument prepared by: Boult, Cummings, Conners & Berry, PLC (BW)<br>414 Union Street, Suite 1600, P.O. Box 198062, Nashville, TN 37219 | | |

# SPECIAL WARRANTY DEED

FILED 10435 PG 757

STATE OF TENNESSEE §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DAVIDSON §

This Indenture, made as of the date set forth below, between ***American General Realty Investment Corporation***, a Delaware corporation, whose mailing address is 2929 Allen Parkway, 40th Floor, Houston, Texas 77019, Attn: Director of Real Estate ("Grantor"), and ***American General Life and Accident Insurance Company***, a Tennessee corporation, whose mailing address is American General Center, Nashville, Tennessee 37250-0001 ("Grantee").

**W I T N E S S E T H:**

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration to it in hand paid by Grantee, the receipt and sufficiency of which consideration is hereby confessed and acknowledged, has **GRANTED, BARGAINED, SOLD** and **CONVEYED**, and by these presents does **GRANT, BARGAIN, SELL** and **CONVEY** to Grantee (a) that certain real property, more particularly described on **Exhibit "A"** attached hereto; and (b) all rights and appurtenances of Grantor pertaining thereto including any right, title and interest of Grantor (but without warranty, whether statutory, express or implied) in and to adjacent streets, alleys or rights-of-way.

The property and property rights described in (a) and (b) above shall be hereinafter collectively referred to as the "Subject Property."

STATE OF TENNESSEE

COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $692,400.00.

Affiant

Subscribed and sworn to before me this 30th day of April, 1997.

KAREN L LACKEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: Nov. 22, 1997

The conveyance of the Subject Property is made by Grantor and accepted by Grantee subject to (a) the matters herein stated, (b) the matters set forth in **Exhibit "B"** attached hereto

and incorporated by reference herein for all purposes, but only to the extent such matters are valid, subsisting and affect the Subject Property (the "Permitted Exceptions"), and (c) real estate taxes for the year 1997.

FILED 10435 PG 758

Except as to the warranty of title as expressly provided herein, Grantee acknowledges that, except as expressly provided herein, Grantor has not made, does not make, and specifically negates and disclaims any representations, warranties, promises, covenants, agreements or guaranties of any kind or character whatsoever. Grantee further acknowledges and agrees that the sale of the Subject Property as provided for herein is made on an "as is" condition and basis with all faults.

**TO HAVE AND TO HOLD** the Subject Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns, forever; and Grantor, for its successors, assigns and legal representatives, does covenant and agree to and with the Grantee, its successors and assigns, that Grantee in lawfully seized in fee of the aforesaid premises, that the same are free of all encumbrances (subject, however, to (a) the Permitted Exceptions and the matters herein stated and (b) taxes for the year 1997; that it has good right to sell and convey the same to Grantee as aforesaid and that it will warrant and forever defend, all and singular, the Subject Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

**IN WITNESS WHEREOF,** the Grantor has executed this Deed this 28 day of April, 1997.

**American General Realty Investment Corporation,** a Delaware corporation

By: _____
Name: Lawrence Kupstas
Title: Vice President

**"GRANTOR"**

Signed, sealed and delivered
in the presence of:

_____
Witness

_____
Witness

AS TO CONTRACT COMPLIANCE
PER SPIRAL 132
LAW DEPARTMENT
AAC

STATE OF Texas §
§
COUNTY OF Harris §

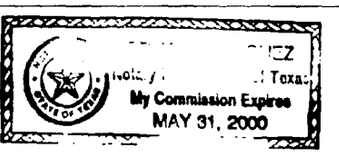
BEFORE ME, the undersigned authority, on this day personally appeared Lawrence Kupstas Vice President of **American General Realty Investment Corporation**, a Delaware corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Witness my hand and seal of office this 28 day of April, 1997.

Print Name: Edna Dominguez
(Notary Public)

My Commission Expires:

(AFFIX NOTARY SEAL)




BOOK 10435 PG 759

# EXHIBIT "A"

## *Legal Description*

A tract of land lying in Nashville, Davidson County, Tennessee, being shown on that certain subdivision plat for American General Realty Investment Corporation of record in Plat Book 9700, page 392, Register's Office for Davidson County, Tennessee, and being more particularly described according to the survey of R. Scot Cherry (RLS #1512) dated April 15, 1997 as follows:

Commencing at a point at the intersection of the southerly right-of-way line of CSX Transportation Railroad, and the easterly right-of-way line of Old Franklin Road;

Thence with the easterly right-of-way line of Old Franklin Road S 38° 50' 18" W, 383.66 feet to the point of beginning;

Thence leaving the easterly right-of-way line of Old Franklin Road with a severance line through the property of American General Realty Investment Corporation, as of record in Deed Book 8601, page 976, at the Register's Office for Davidson County, Tennessee S 51° 09' 42" E, 957.09 feet to a point;

Thence S 38° 50' 18" W, 440.00 feet to a point;

Thence N 60° 29' 09" W, 477.46 feet to a point;

5403 04/30 0101 03CHECK 2582.68

Thence N 59° 22' 30" W, 336.67 feet to a point;

Thence N 65° 15' 02" W, 234.07 feet to a point in the easterly right-of-way line of Old Franklin Road;

Thence with the easterly right-of-way line of Old Franklin Road N 63° 01' 58" E, 6.84 feet to an existing iron rod;

Thence with a curve to the left, with an arc length of 343.71 feet, the central angle of which is 24° 11' 41", the radius of which is 813.94 feet, the chord of which is N 50° 56' 08" E, 341.16 feet to a point;

Thence N 38° 50' 18" E, 282.60 feet to the point of beginning, containing 502,789 square feet (11.543 acres more or less).

Being part of the same property conveyed to American General Realty Investment Corporation, of record in Deed Book 8601, page 976, at the Register's Office for Davidson County, Tennessee.

# EXHIBIT "B"

***Permitted Exceptions***

1. All matters shown on the Plat of record at Plat Book 9700, page 392, Register's Office for Davidson County, Tennessee.

2. Declaration of Protective Covenants and Owner's Association for Hickory Downs of record in Book 7963, page 145, re-recorded at Book 7966, page 60, and amended by instruments of record in Book 8085, page 402 and 9730, page 957, said Register's Office.

3. Matters shown on the survey for American General Realty Investment Corp. of The Crossings at Hickory Hollow prepared by R. Scot Cherry and being dated April 15, 1997, such matters including, without limitation, a fence meandering along the old parcel line (as shown on said survey) and a 20' Sewer Easement along the southerly boundary of the Property.

0299749
IDENTIFICATION REFERENCE
97 JUN 30 PM 1:01
REGISTER
DAVIDSON COUNTY, TN.



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

RECEIVED OF _____

FOR _____

BOOK 10435 PG 762



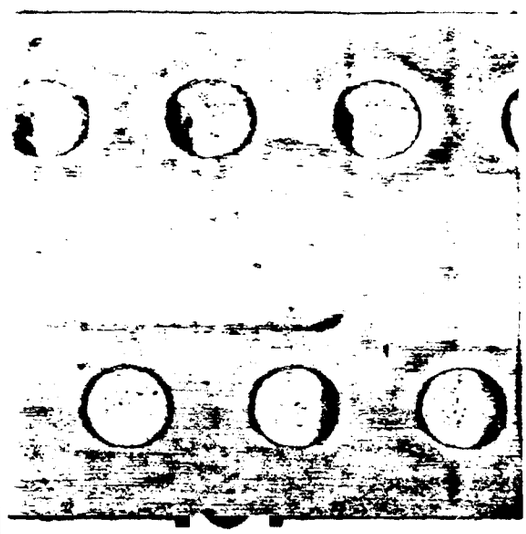
| | | |
|---|---|---|
| CO - CONVEYANCE | CC - CERTIFIED COPY | MISC - MISCELLANEOUS |
| MO - MORTGAGE | REL - RELEASE | CO TX - STATE TAX CONVEY |
| WD - WARRANTY DEED | UCC - UNIFORM COMMERCIAL CODE | MO TX - STATE TAX MORT |
| TD - TRUST DEED | | PRFEE - PROBATE FEE |

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

CAMT 692400.00
CON TX 2561.88
PRFEE 1.00
WDEED 20.00
TOTAL 2582.88
CHECK 2582.88

04/30/97 01 14:07 0001 5403

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK



0299749
IDENTIF. ↑ REFERENCE

97 APR 30 PM 4:01
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

No. 1145498