This Instrument Prepared By:
William T. Cheek
213 Fifth Avenue, North
Nashville, Tennessee 37219

File
Box 21-1

AFFIDAVIT OF HEIRSHIP

BOOK 10718 PG 259

State of Tennessee:
County of Davidson:

I, Emily Ann Magid, having been duly sworn according to law, truthfully state as follows:

I am the sister of Mitchell S. Magid, Jr., who is now deceased. I inherited all of the interest of Mitchell S. Magid, Jr. in the real estate described on the attached Exhibit A.

Emily Ann Magid

I, Pamela D. Rice, a Notary Public in and for said County and State, do hereby certify that Emily Ann Magid, personally known to me and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged and swore that the statements set forth in the foregoing instrument are true and correct.

Sworn to and subscribed before me, this 10th day of December, 1997.

Notary Public

My Commission Expires:

PAMELA D. RICE
Notary Public, Williamson Co., TN
My Comm. Expires Mar. 2, 1998

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0379314
IDENTIF. REFERENCE

97 DEC 11 PM 4:01
FELIX Z. WINSETT REGISTER
DAVIDSON COUNTY, TN.

F:\USERS\WILL\CHT\Magid Affidavit.wpd

EXHIBIT A

Land in the 13th, formerly the 23rd, Civil District of Davidson County, Tennessee, being Lots Nos. 1 and 2 on the Map of a true copy of the division of the M.S. Stewart Tract, as of record in Book 1130, page 3, Register's Office for said County, described as follows.

Beginning at a point on the easterly bank of the Cumberland River at the intersection of the easterly bank of said river, and the westerly bank of Whites Creek, thence with the westerly bank of said Creek, north 39¼ degrees, east 16.75 poles to a point, north 23 degrees east 13 poles to a point, north 31 degrees east 40 poles to a bend in the said Creek, thence continuing with said westerly bank of said Creek, north 29 degrees, west 12 poles to a point, north 32 degrees west 28 poles to a point, north 28 degrees, west 36 poles to a point, north 32 degrees, west 11 poles to a point, northwardly to a point, north 19 degrees, west 20 poles to a point, north 9 degrees, west 14 poles to a point, northwardly 10 poles to a point, north 11 degrees, east 10 poles to another bend in said Creek, thence continuing with said creek, north 32 degrees, east 16 poles to a point, north 61 degrees, east 12 poles to a spring on the bank of said creek, thence north 48¾ degrees, east 6 poles to a point in the line between Lots Nos. 1 and 3 on said plan, thence with said line North 56½ degrees, west 30.4 poles to a stone in the Junction of a road and Lots Nos. 1, 2, and 3 on said plan; thence with the line between said Lots Nos. 2 and 3 south 56 degrees, west 131 poles to a point on the easterly bank of said river, thence with the easterly bank of said river, south 25 degrees, east 42.7 poles to a point, thence south 33½ degrees, east 122 poles to a point, thence south 38 degrees, east 20 poles to a point, thence south 46 degrees, east 33.18 poles to the point of beginning, containing 119.25 acres, more or less.

Being the same property conveyed to Harry Lightman, by deed from Oliver W. Davenport and wife, Julia Pauline Davenport, of record in Book 2910, page 220, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Mitchell S. Magid and Bernard D. Mintz, Trustees, with full power to transfer, convey, encumber and otherwise dispose of said property without the joinder of any beneficiary, by deed from Harry Lightman of record in Book 3277, page 208, Register's Office for Davidson County, Tennessee, under Trust for the benefit of Emily Ann Magid, Mitchell S. Magid, Jr., now deceased, Joan Mintz Shubin (also known as Joan Carol Mintz), Robert Hugh Mintz, Steven Lightman Mintz and Suzanne Deborah Mintz-Elkind (also known as Suzanne Deborah Mintz), with Dorothy Lightman Mintz as successor trustee to Mitchell S. Magid, now deceased.

INCLUDED IN THE ABOVE DESCRIPTION, BUT SPECIFICALLY EXCLUDED FROM THIS TRANSFER AND CONVEYANCE IS THE FOLLOWING DESCRIBED PROPERTY:

A tract of land in the First Civil District of Metropolitan Nashville, Davidson County, Tennessee, and being Parcel 54 on Tax Map 80 and also being parts of Lots 1 and 2, Plan of Division of M.S. Stewart Tract as of record in Book 1130, page 3, Register's Office for Davidson County, Tennessee, and being more particularly described accordingly to survey of Ragan-Smith-Murphy & Associates, Inc. dated November 2, 1988, as follows:

Beginning at an existing concrete highway monument at the intersection of the northerly right-of-way line of County Hospital Road (under construction this date) and the easterly right-of-way line of Briley Parkway (under construction this date) and being Highway Station 54+85 (County Hospital Road); thence, with the easterly right-of-way of Briley Parkway (being a controlled access right-of-way), North 11° 36' 58" West 151.41 feet to an existing concrete highway monument; thence, continuing with the easterly right-of-way line of Briley Parkway,

North 27° 50' 10" West 186.54 feet to an existing concrete highway monument; thence, continuing with right-of-way line, North 42° 53' 37" West 21.97 feet to an iron pin set in an old fence line, corner of Parcel 18 on Map 80 owned by Oman Construction Company, Inc. by deed recorded in Book 7326, page 558, Register's Office for Davidson County, Tennessee; thence with the southerly line of Oman, North 60° 54' 09" East, 365.09 feet to an iron pin set in the present end of Stewarts Lane; thence, continuing with the southerly line of Oman and with an old fence line, South 52° 27' 56" East 503.85 feet to an iron pin set on the westerly bank of Whites Creek; thence with the west bank of Whites Creek with the next 3 calls, South 67° 20' 00" West 99.00 feet to an iron pin set; thence, South 59° 27' 00" West 198.00 feet to an iron pin set; thence South 38° 20' 54" West 199.19 feet to an iron pin set on the northerly right-of-way line of County Hospital Road; thence, with the northerly right-of-way line of County Hospital Road, North 64° 37' 49" West 222.00 feet to the point of beginning and containing 223.527 square feet or 5.132 acres, according to said survey.

Included in the above described tract is the proposed right-of-way for the extension of Stewarts Lane. This proposed road right-of-way was submitted to Metropolitan Planning Commission as Subdivision No. 88S-3284. The concept of connection was given preliminary approval October 27, 1988. The location, as shown hereon, was a suggested located only. The exact location has not been determined this date.

Being part of the same property conveyed to Mitchell S. Magid and Bernard D. Mintz, Trustees, with full power to transfer, convey, encumber and otherwise dispose of said property without the joinder of any beneficiary, by deed from Harry Lightman of record in Book 3277, page 208, Register's Office for Davidson County, Tennessee and conveyed to Oman Construction Company, Inc., by deed of record in Book 7791, page 177, Register's Office for Davidson County, Tennessee.

FURTHER INCLUDED IN THE ABOVE DESCRIPTION, BUT SPECIFICALLY EXCLUDED FROM THIS TRANSFER AND CONVEYANCE IS THE FOLLOWING DESCRIBED PROPERTY:

Beginning at a point in the southeasterly boundary of the Albert J. Sheffield, Sr. property said point being 95.56 feet right at station 162+28.52; thence with the proposed right of way (1) south 2 degrees 24 minutes 57 seconds west 392.47 feet to a point; (2) south 13 degrees 40 minutes 50 seconds west 277.04 feet to a point, (3) south 30 degrees 45 minutes 58 seconds west 443.59 feet to a point, (4) south 43 degrees 07 minutes 10 seconds west 359.06 feet to a point, (5) south 44 degrees 42 minutes 37 seconds west 493.0 feet to a point in the easterly edge of the Cumberland River; thence with the westerly boundary of this property and being the easterly edge of said river, northwesterly 1,050 feet more or less to a point; thence with the said southeasterly boundary of Albert J. Sheffield, Sr. north 62 degrees 01 minutes east 1,500 feet more or less to the point of beginning and containing 23.977 acres and is part of the property conveyed by Harry Lightman to Mitchell S. Magid and Bernard D. Mintz, Trustees of record in Deed Book 3277, page 208, Register's Office for Davidson County, Tennessee.

The above property was condemned in favor of State of Tennessee for and on behalf of the Department of Transportation, Book 8757, page 481, Register's Office for Davidson County, Tennessee.

FURTHER INCLUDED IN THE ABOVE DESCRIPTION SPECIFICALLY EXCLUDED FROM THIS TRANSFER AND CONVEYANCE IS THE FOLLOWING DESCRIBED PROPERTY:

Beginning at the point of intersection of the existing east margin of Briley Parkway as acquired under project 19074-2213-04 and the south boundary of the Albert J. Sheffield, Jr., said point being Sheffield's southwest corner; thence with the said east margin the following calls: south 02 degrees 24 minutes 57 seconds west 392.47 feet; south 13 degrees 40 minutes 50 seconds west 277.04 feet; south 30 degrees 45 minutes 58 seconds west 443.59 feet; thence north 48 degrees 06 minutes eighteen seconds east 648.17 feet; thence north 29 degrees 56 minutes 48 seconds east 235.25 feet; thence north 88 degrees 10 minutes 54 seconds east 90.94 feet; thence south 64 degrees 37 minutes 49 seconds east 161.0 feet to a point in the west bank of Whites Creek; thence with the west bank northeastwardly 200 feet more or less to a point; thence north 64 degrees 37 minutes 49 seconds west 222.0 feet; thence north 9 degrees 01 minutes 52 seconds west 152.18 feet; thence north 28 degrees 59 minutes 49 seconds west 183.16 feet; thence north 40 degrees 57 minutes 32 seconds west 20 feet more or less to a point in Sheffield's south boundary; thence with the said south boundary south 62 degrees 01 minutes 29 seconds west 300 feet more or less to the point of beginning and containing 7.44 acres and being part of the property conveyed by Harry Lightman to Mitchell S. Magid and Bernard D. Mintz as Trustees of record in Book 3277, page 208, Register's Office for Davidson County, Tennessee.

The above described property was condemned in favor of the State of Tennessee for and on behalf of the Department of Transportation, Book 8772, page 569, Register's Office for Davidson County, Tennessee.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO THE FOLLOWING ENCUMBRANCES AND EXCEPTIONS:

1. Facts which would be disclosed by a comprehensive survey of the premises herein described.

2. General or special taxes and assessments required to be paid in the year 1997 and subsequent years.

3. Easement for road or passway and drainage ditch of record in Book 204, page 74, said Register's Office.

4. TVA Easements of record in Book 1291, page 426, and Book 1334, page 264, Davidson County's Register's Office.

5. Flowage Easement of record in Book 2155, page 311, Davidson County's Register's Office.

6. Easement to Tennessee Natural Gas Lines, Inc., of record in Book 2600, page 279, Davidson County's Register's Office.

7. Easement to Nashville Gas Company of record in Book 3969, page 824, Davidson County's Register's Office.

8. Easement to Nashville Gas Company of record in Book 7976, page 974, Davidson County's Register's Office.

9. Permanent Drainage Easement to State of Tennessee of record in Book 8757, page 481, Davidson County's Register's Office.

10. Easement for the flow of Whites Creek.

11. Title to that portion of the premises lying between the low and high water marks of the Cumberland River.

12. Lack of direct access to and from controlled access highway.

13. Matters shown on the Plan of record in Book 1130, page 3, Davidson County's Register's Office.