BOOK 11180 PAGE 161

This instrument was prepared by and to be returned to:

Bradley J. Taylor, Esq.
McCullough Sherrill, LLP
1409 Peachtree Street, N.E.
Atlanta, Georgia 30309

SEND TAX NOTICE TO:

JDN Realty Corporation
359 East Paces Ferry Road
Suite 400
Atlanta, Georgia 30305
Attention: Jeb L. Hughes

MAP NUMBER:
102

PARCEL NUMBER:
14, 16

## LIMITED WARRANTY DEED

**FOR AND IN CONSIDERATION** of the sum of Ten and No/100 Dollars ($10.00) to the undersigned grantor, **JDN DEVELOPMENT COMPANY, INC.**, a Delaware corporation (hereinafter referred to as "Grantor"), in hand paid by **JDN REALTY CORPORATION**, a Maryland corporation, (hereinafter referred to as "Grantee"), the receipt of which is hereby acknowledged, said Grantor does by these presents, grant, bargain, sell and convey unto said Grantee in fee simple all that certain lot or parcel of land located in Davidson County, Tennessee, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter referred to as the "Property").

STATE OF Georgia
COUNTY OF Fulton

The actual consideration or value, whichever is greater, for this transfer is $3,319,319.00

Subscribed and sworn before me this the 11th day of Sept., 1998.

Marianne Brayfield
Notary Public

My Commission expires: 5-6-2000

MARIANNE BRAYFIELD NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES MAY 6 2000

JDN DEVELOPMENT COMPANY, INC., a a Delaware corporation

By: _____

Title: SVP

[CORPORATE SEAL]

**TO HAVE AND TO HOLD,** the Property and all privileges and appurtenances thereunto belonging to said Grantee and Grantee's heirs and assigns forever (hereinafter referred to collectively as the "Premises").

And said Grantor does for itself, its successors and assigns, covenant with said Grantee and Grantee's heirs and assigns, the Premises are free from all encumbrances, that Grantor has a good right to sell and convey the same as aforesaid, and that Grantor will, and its successors and assigns shall, warrant and defend such title to the Premises to said Grantee and Grantee's heirs, executors and



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1 of 1

assigns forever, against the lawful claims of all persons and entities owning, holding or claiming by, through or under Grantor, but not otherwise.

**IN WITNESS WHEREOF,** Grantor has caused this instrument to be executed for it and in its name by its duly authorized officers and its seal to be hereunto affixed, as of this the 11th day of Sept., 1998.

**"GRANTOR"**

**JDN DEVELOPMENT COMPANY, INC.,**
a Delaware corporation

By: _____

Title: SVP

Attest: _____

Title: Secretary

[CORPORATE SEAL]

STATE OF Georgia

COUNTY OF Fulton

Personally appeared, before me, a Notary Public at large for the State aforesaid, Jeb L. Hughes and Wm. J. Kerley of JDN DEVELOPMENT COMPANY, INC., a Delaware corporation, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained and who further acknowledged that they are SVP and Secretary, respectively, of JDN Development Company, Inc., a Delaware corporation, and are authorized to execute this instrument on behalf of said corporation.

WITNESS my hand, at office, this 11th day of Sept., 1998.

Marianne Brayfield
Notary Public

My Commission Expires: 5-6-2000

[NOTARY SEAL]

MARIANNE BRAYFIELD NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES MAY 6, 2000

453459.1/5086.56

**EXHIBIT "A"**

**Legal Description**

All that tract or parcel of land being that certain tract or parcel of land located in Davidson County, State of Tennessee, and being more particularly described as follows according to a Subdivision Plat for JDN Development Company, Inc., Wal-Mart Stores, Inc. and Chicago Title Insurance Company, by Trenton D. Turk, Registered Land Surveyor Tennessee No. 1735 of GeoSurvey, Ltd., dated May 2, 1997, last revised August 18, 1998, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the northerly right-of-way line of River Road (as presently located) and the northwesterly right-of-way line of Charlotte Pike/U.S. 70 (as presently located) and running thence along said northerly right of way of River Road along the arc of a curve to the right, said arc having a radius of 2323.54 feet and an arc length of 146.73 feet and being subtended by a chord bearing South 87°38'44" West a chord distance of 146.71 feet to a point;

Thence continuing along said northerly right of way line of River Road South 85°50'11" West a distance of 119.96 feet to a point;

Thence leaving said northerly right of way line of River Road run North 14°27'31" East a distance of 546.33 feet to a point;

Thence North 74°09'18" West a distance of 496.05 feet to an open top pipe set;

Thence North 04°40'48" East a distance of 1012.07 feet to a point;

Thence South 85°15'56" East a distance of 223.71 feet to a point;

Thence South 04°44'04" West a distance of 252.01 feet to a point;

Thence South 85°16'12" East a distance of 215.00 feet to a point;

Thence run along the arc of a curve to the right, said arc having a radius of 90.00 feet and an arc length of 141.38 feet and being subtended by a chord bearing South 40°16'04" East a chord distance of 127.28 feet to a point;

Thence South 04°44'04" West a distance of 7.38 feet to a point;

Thence South 85°16'47" East a distance of 75.00 feet to a point;

Thence South 85°16'47" East a distance of 116.05 feet to a point;

Thence South 04°44'04" West a distance of 48.09 feet to a point;

Thence South 85°15'56" East a distance of 474.55 feet to a point;

Thence run along the arc of a curve to the right, said arc having a radius of 1549.00 feet and an arc length of 347.73 feet and being subtended by a chord bearing South 12°27'59" West a distance of 347.00 feet to a point;

Thence South 18°53'50" West a distance of 141.22 feet to a point;

Thence South 67°45'36" East a distance of 81.37 feet to a point;

Thence South 74°35'15" East a distance of 51.38 feet to a point;

Thence South 28°04'19" East a distance of 69.83 feet to a point;

Thence North 89°46'06" West a distance of 103.85 feet to a point;

Thence South 21°00'21" West a distance of 101.29 feet to a point;

Thence South 56°39'42" West a distance of 120.45 feet to a point;

Thence South 65°56'56" West a distance of 71.40 feet to a point;

Thence South 48°00'00" West a distance of 135.84 feet to a point;

Thence South 31°06'52" West a distance of 154.52 feet to a point;

Thence South 28°41'27" East a distance of 84.01 feet to a point located on the northerly right of way line of Charlotte Pike/U.S. 70;

Thence along the arc of a curve to the right, said arc having a radius of 1502.41 feet and an arc length of 30.40 feet and being subtended by a chord bearing South 61°06'39" West a chord distance of 30.40 feet to a point;

Thence South 89°12'20" West a distance of 75.51 feet to a point;

Thence South 65°00'00" West a distance of 115.00 feet to a point;

Thence South 26°29'42" West a distance of 38.71 feet to a point and the POINT OF BEGINNING.

Said tract or parcel of land containing 26.839 acres and being identified as the Wal-Mart Tract and Shops Tract according to aforesaid plat of survey.

Property Legal Description
**Out-parcels**
Davidson County, Tennessee

All that tract or parcel of land lying and being in the 35th Councilmanic District of Davidson County, Tennessee, and being more particularly described as follows:

Commencing from a 1" open top pipe set at the intersection of the northern right-of-way of Charlotte Pike (U. S. Highway 70, having a variable right-of-way), and the northern right-of-way of River Road (having a 40 foot right-of-way); thence following said right-of-way of Charlotte Pike North 26 degrees 29 minutes 42 seconds East, 38.71 feet to a point; thence North 65 degrees 00 minutes 00 seconds East, 115.00 feet to a point; thence North 89 degrees 12 minutes 20 seconds East, 75.51 feet to a point; thence along a curve to the right, an arc distance of 30.40 feet, said curve having a radius of 1502.41 feet and being subtended by a chord of 30.40 feet, at North 61 degrees 06 minutes 39 seconds East, to a point; said point being the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way North 28 degrees 41 minutes 27 seconds West, 84.01 feet to a point; thence North 31 degrees 06 minutes 52 seconds East, 154.52 feet to a point; thence North 48 degrees 00 minutes 00 seconds East, 135.84 feet to a point; thence North 65 degrees 56 minutes 56 seconds East, 71.40 feet to a point; thence North 56 degrees 39 minutes 42 seconds East, 120.45 feet to a point; thence North 21 degrees 00 minutes 21 seconds East, 101.29 feet to a point; thence South 89 degrees 46 minutes 06 seconds East, 103.85 feet to a point; thence North 77 degrees 48 minutes 19 seconds East, 275.92 feet to a point; thence South 04 degrees 24 minutes 42 seconds East, 315.58 feet to a point; said point being on the northern right-of-way of Charlotte Pike; thence following said right-of-way South 74 degrees 19 minutes 41 seconds West, 213.79 feet to a point; thence South 74 degrees 19 minutes 41 seconds West, 97.26 feet to a point; thence South 80 degrees 52 minutes 35 seconds West, 131.47 feet to a point; thence along a curve to the left, an arc distance of 41.42 feet, said curve having a radius of 1502.41 feet and being subtended by a chord of 41.42 feet, at South 73 degrees 42 minutes 55 seconds West, to a point; thence along a curve to the left, an arc distance of 294.61 feet, said curve having a radius of 1502.41 feet and being subtended by a chord of 294.14 feet, at South 67 degrees 18 minutes 29 seconds West, to a point; said point being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 4.843 Acres and is more accurately depicted on Subdivision plat prepared for JDN Development Company, Inc., Wal-Mart Stores, Inc., Chicago Title Insurance Company said survey prepared by GeoSurvey, Ltd., certified by Trenton D. Turk, PLS 1735, dated May 2, 1997.

Being a part of the same property conveyed to JDN Development Company, Inc. by Deed of record in Book 10750, Page 286, Register's Office for Davidson County, Tennessee and by Deed of record in Book 10775, Page 837, Register's Office for Davidson County, Tennessee.



0486 11/02 0101 03CHECK 12304.48

MAIL ENV.

98 NOV -2 AM 9:43
BILL GARRETT REGISTER
DAVIDSON COUNTY, TN.

050642
IDENTIF. + REFERENCE

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

RECEIVED OF _____

FOR _____

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| | | |
|---|---|---|
| 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 |
|---|---|---|---|---|

MAMT
3319319.00
ERR CO
MAMT
3319319.00-
CAMT
3319319.00
CHK [illegible]281.48
PRFEE 1.00
TDEED 20.00
CFEE 2.00
TOTAL 12304.48
CHECK 12304.48

11/02/98 01 09:45 0001 0486

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

0506421
IDENTIF. ↑ REFERENCE

98 NOV -2 AM 9:45
BILL GARRETT REGISTER
DAVIDSON COUNTY, TN.

No. 1365644