0586647

IDENTIFICATION REFERENCE

99 MAY 13 PM 1:49

REGISTER
DAVIDSON COUNTY, TN.

BOOK 11477 PG. 823

This instrument prepared by:
Arnall Golden & Gregory, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3450
Attn: Keith E. Linch, Esq.

After recording return to:
Bruce Rubenstein, Esq.
3333 New Hyde Park Road
Suite 100
New Hyde Park, NY 11042-0020

LIMITED WARRANTY DEED

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	TAX MAP/PARCEL NO.:
c/o KIMCO Realty Corporation 3333 New Hyde Park Road Suite 100 New Hyde Park, New York 11042-0020	same	Map 163, Parcel 268

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, BURLVEST ASSOCIATES, LIMITED PARTNERSHIP, a Georgia limited partnership (the "Grantor"), has bargained and sold, and by these presents does transfer and convey unto KIR HICKORY HOLLOW, L.P., a Delaware limited partnership (the "Grantee"), its successors and assigns, all of its right, title and interest in and to that certain land in Davidson County, State of Tennessee, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD, the said tracts or parcels of land, with the appurtenances, estate, title and interest thereto belonging to the Grantee, its successors and assigns, forever. And Grantor does covenant with the Grantee that it is lawfully seized and possessed of said land in Fee Simple, has a good right to convey it, and the same is unencumbered, except for those exceptions listed on Exhibit "B" attached hereto and incorporated herein by reference. And Grantor does further covenant and bind itself, its heirs and representatives to warrant and forever defend the title to the said land to the Grantee, its successors and assigns, against the lawful claims of all persons owning, holding or claiming by, through and under the Grantor but not otherwise, except for claims arising under or by virtue of the exceptions listed on Exhibit "B" attached hereto.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS my hands as of the 12 day of May, 1999.

BURLVEST ASSOCIATES, LIMITED PARTNERSHIP

By: ESD Properties, Inc., a South Carolina corporation, its general partner

By: John H. Disher
John H. Disher, Vice President

[CORPORATE SEAL]

833302v3

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Personally appeared before me, a Notary Public, John H. Disher, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Vice-President of ESD Properties, Inc., a South Carolina corporation, the sole general partner of BURLVEST ASSOCIATES, LIMITED PARTNERSHIP, a Georgia limited partnership, the maker, and he is authorized by the maker as the President of the sole general partner of the maker to execute this instrument on behalf of the maker.

Witness my hand, at office, this 11 day of May, 1999.

[Notary Seal]

Notary Public
My commission expires: My Commission Expires March 18, 2007

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

The actual consideration for this transfer, or value of property (whichever is greater) is $10,812,800.00.

BURLVEST ASSOCIATES, LIMITED PARTNERSHIP

By: ESD PROPERTIES, INC., its general partner

By: _____
John H. Disher, Vice-President
Affiant/Grantor

Subscribed and sworn before me this 11 day of May, 1999.

[Notary Seal]

Notary Public
My commission expires: My Commission Expires March 18, 2007

833302v3

EXHIBIT A

PROPERTY DESCRIPTION

BEING the same property conveyed to Mortgage Growth Investors by Special Warranty Deed from Aetna Life Insurance Company, of record in Book 6958, Page 611, Register's Office for Davidson County, Tennessee, and being a parcel of land in the first Civil District of Nashville, Davidson County, Tennessee, being Lot No. K-3 as shown on that plat of Resubdivision of Lot K-3 Hickory Hollow Mall, Section Six of record in Plat Book 6200, Page 722, R.O.D.C., being located in the southeast quadrant of the intersection of Hickory Hollow Parkway and Hickory Hollow Lane and being more particularly described as follows:

BEGINNING at a concrete monument in the southerly margin of Hickory Hollow Lane at the northeast corner of herein described Tract, said monument being the northwest corner of Section Fourteen, Hickory Hollow Mall of record in Plat Book 5190, Page 604, R.O.D.C.; THENCE, leaving said margin with the west line of Section Fourteen, Hickory Hollow Mall, S24 degrees 30'00"E, 105.15 feet to an iron pin: THENCE, S58 degrees 45'00"E, 354.97 feet to a point; THENCE. with the north line of Resubdivision of Lot Three, Bell Forge West of record in Plat Book 6250, Page 737, R.O.D.C., S25 degrees 10'00"W, 266.35 feet to a point; THENCE, with the line of Reserve Parcel L, First Revision, Section Thirteen, Hickory Hollow Mall of record in Plat Book 5200, Page 380, R.O.D.C. N83 degrees 33'42"W, 107.60 feet to a point; THENCE, S31 degrees 15'00"W, 286.00 feet to a point; THENCE, S49 degrees 53'54"W, 100.42 feet to an iron pin; THENCE, with Lot K-3A, Section Six, Hickory Hollow Mall of record in Plat Book 6200, Page 722, R.O.D.C., N58 degrees 45'00"W, 149.89 feet to a point; THENCE, S46 degrees 51'49"W, 126.44 feet to a point in the easterly margin of Hickory Hollow Parkway; THENCE, with said margin, N43 degrees 08'11"W, 315.29 feet to an iron pin; THENCE, with a curve concave to the east having a central angle of 90 degrees 00'00", a radius of 35.00 feet and a chord of N01 degrees 51'49"E, 49.50 feet for an arc length of 54.98 feet to a point in the southerly margin of Hickory Hollow Lane; THENCE, with Hickory Hollow Lane, N46 degrees 51'49"E, 90.81 feet to an iron pin set in concrete; THENCE, with a curve concave to the north having a central angle of 26 degrees 41'49", a radius of 330.00 feet and a chord of N33 degrees 30'54"E, 152.38 feet for an arc length of 153.76 feet to an iron pin set in concrete; THENCE, N20 degrees 10'00"E, 101.56 feet to a point; THENCE, with a curve concave to the south having a central angle of 45 degrees 20'00", a radius of 320.00 feet and a chord of N42 degrees 50'00"E, 246.63 feet for an arc length of 253.19 feet to a concrete monument; THENCE, N65 degrees 30'00"E, 197.35 feet to the point of beginning, containing 406,720 square feet or 9.34 acres, more or less.

Being the same property conveyed to Burlvest Associates, Limited Partnership, by deed from MGI Properties, of record in Book 10805, page 104, Register's Office for Davidson County, Tennessee.

Together with all of Grantor's interest in and to the rights and easements contained in Reciprocal Easement Agreement of record in Book 5458, page 855, in said Register's Office.

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR
PRINTING IN THIS DOCUMENT
UNSATISFACTORY WHEN RECEIVED

EXHIBIT "B"

Permitted Exceptions

1. Taxes for the year 1999 are a lien, not yet due and payable.

2. The following matters shown on the Plat of record in Book 6200, page 722, Register's Office of Davidson County, Tennessee; 10' public utility and landscaping easement on northerly, westerly, and southerly lines of property; joint access easement on southerly portion of property; 31' public utility easement and 10' water line easement on easterly line of property; Columbia Gulf Pipeline gas easement of varying width on northeasterly portion of property; and certain notes regarding ramps and planned unit development overlay.

3. Rights of tenants, as tenants only, in possession under unrecorded leases, without options or rights to purchase and without rights of first refusal.

4. Restrictions as contained in Restated and Amended Declaration of Protective Covenants in Book 5441, page 968; also restrictions as contained in Book 5792, page 491, Book 5951, page 26, Book 6011, page 163, Book 6095, page 948, and Book 6321, page 311, in said Register's Office.

5. Easement(s) granted to Columbia Gulf Transmission Company in Book 4457, page 373, and Book 4629, page 150 and easement(s) granted to Gulf Interstate Gas Company in Book 2203, page 577, and to Columbia Gulf Transmission Company in Book 2875, page 299, as modified by Book 5118, page 792, all in said Register's Office.

6. Terms and Provisions of Reciprocal Easement Agreement as recorded in Book 5458, page 855, in said Register's Office.

7. Survey Number 97198 (E), dated 01/12/98, last revised April 16, 1999, prepared by Crawford Land Surveyors, P.C., indicates the following:

(a) 15' Minimum Building Setback Line from the northeasterly, northerly, northwesterly and southwesterly boundaries of the subject property.

(b) Drainage System located throughout the subject property as shown on survey.

(c) Joint Access Easement on southerly portion of property, arising from Reciprocal Easement Agreement referenced above.

(d) 10' Public Utility and Landscaping Easement on northerly, westerly, and southerly sides of property.

(e) 31" Public Utility easement and chain link fence on easterly side of property.

(f) 10' Water Line easement and sanitary sewer line on easterly side of property.

(g) Columbia Gulf Pipeline easement on easterly portion of property.

(h) Hickory Hollow Shopping Center sign on westerly side of property.

8. Memorandum of Lease between Burlvest Associates Limited Partnership (Landlord), and Officemax, Inc. (Tenant), of record in Book 11259, page 1, in said Register's Office, without options or rights to purchase, or rights of first refusal.

OFFICIAL RECEIPT

BILL GARRETT
REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____

FOR _____

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	CFEE - COMPUTER FEE	PRFEE - PROBATE FEE

CAMT 10,812,800.00

BOOK 11477 PG. 829

0586647

IDENTIFICATION REFERENCE

99 MAY 13 PM 1:49

BILL GARRETT REGISTER
DAVIDSON COUNTY, TN.

CON TX 40007.36
PRFEE 1.00
TDEED 24.00
OTHER CO
TDEED 24.00-
WDEED 24.00
CFEE 2.00
TOTAL 40034.36
CHECK 40034.36
0001 369B

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

No. 1460337