BOX 25-B

THIS INSTRUMENT PREPARED BY:
Robert F. Spann, Attorney
Washington Square, Suite 400
214 Second Avenue, North
Nashville, TN 37201-1476

# WARRANTY DEED

BOOK 11660 PAGE 949

State of Tennessee )
County of Davidson )

The actual consideration of value, whichever is greater, for this transfer is $78,000.00.

Affiant

Sworn to and subscribed before me this 13 day of Aug., 1999.

NOTARY PUBLIC

My Commission Expires: 7-27-2002

RECEIVED FOR RECORD
SEP 14 AM 10:09
DAVIDSON COUNTY, TN.
REGISTER

06355539

| ADDRESS - NEW OWNER | SEND TAX BILLS TO: | MAP/PARCEL NUMBER: |
|---|---|---|
| **Ronald Waller, etux** | Same | Map 38 |
| PO Box 248 | | Parcel: part of 77 |
| Joelton, TN 37080 | | |

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, **Robin Tomlinson Johnson and Anthony Everette Tomlinson**, hereinafter called "Grantor", has bargained and sold, and by these presents does transfer and convey unto **Ronald Waller and wife, Debora Waller**, hereinafter called "Grantee", their heirs and assigns, forever, a certain tract or parcel of land situated in Davidson County, State of Tennessee, described as follows, to-wit:

**LEGAL DESCRIPTION: SEE EXHIBIT "A" ATTACHED**

**LAND USE RESTRICTIONS: SEE EXHIBIT "B" ATTACHED**

The above-described property is not the place of usual residence of Grantors, herein.

This is property known as Tract 1, 6235 Old Hickory Blvd., Whites Creek, TN 37189.

E116 09/14 0101 03CHECK 307.60

TO HAVE AND TO HOLD the said property, with all appurtenances, estate, title, and interest thereto belonging to the Grantee, their heirs and assigns forever; and Grantor does covenant with the said Grantee that we lawfully seized and possessed of said land in fee simple, have a good right to convey it, and the same is unencumbered, unless otherwise herein set out; and Grantor does further covenant and bind ourselves, our heirs, assigns and representatives, to warrant and forever defend the title to the said land to the

Grantee, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever 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 hand this 13 day of September, 1999.

Robin Tomlinson Johnson

**Robin Tomlinson Johnson**

Anthony Everette Tomlinson

**Anthony Everette Tomlinson**

State of Tennessee )
County of Davidson )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named, **Robin Tomlinson Johnson and Anthony Everette Tomlinson**, the Bargainer, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal this 13 day of September, 1999.

Robert J Agee

**NOTARY PUBLIC**

**My Commission Expires:** ~~9-4~~ 7-27-2001

# EXHIBIT "A"

Tract 1

Land situated in the 14th district of Davidson County, Tennessee, being a portion of the Tomlinson Johnson property, as of record in Deed Book 10759, page 580, Register's Office for Davidson County, TN, and being more particularly described by a survey by Survey Solutions, Steve Axley, R.L.S. #1975, dated 07/08/99, as follows:

Beginning at an iron rod in the westerly margin of Old Hickory Blvd., said point being the northeast corner of tract 1, and the southeast corner of tract 2; thence with said roadway margin with a curve having a radius of 755.00', an arc length of 278.00', to a point; thence continuing with said roadway margin S 31° 34' 46" E 123.93' to an iron rod (old), said point being the southeast corner of tract 1 and the northeast corner of Mary John Tomlinson as of record in Deed Book 1853, page 221, R.O.D.C. TN.; thence, leaving said road margin and running with the line of Tomlinson, S 50° 47' 45" W 194.36' to a fence post, said point being the southwest corner of tract 1; thence, N 61° 23' 25" W 521.73' to a fence post in the northerly line of Tomlinson; thence, N 50° 22' 43" W 328.76' to a nail in the base of a 24" tree, said point being the northwest corner of tract 1 and the southwest corner of tract 2; thence leaving said point and running with a common line between tract 1 and tract 2, N 87° 45' 22" E 698.68' to the point of beginning, containing 5.01 acres, more or less, according to a survey by Survey Solutions, Steve Axley, TN. R.L.S. #1975 dated 07/08/99.

Being a part of the same property conveyed to Sophia Lea Tenpenny by deed from J. L. Carney, of record in Book 1853, page 223, Register's Office for Davidson County, Tennessee; the said Sophia Lea Carney Tenpenny having since died intestate 7-14-93, her only heir-at-law being her husband, Walter Howard Tenpenny; the said Walter Howard Tenpenny having died 3-20-94 and having devised said property to Robin Tomlinson Johnson and Anthony Everett Tomlinson by will of record in Will Book 192, page 786, Probate Clerk's Office for Davidson County, Tennessee, the Executrix of said estate having executed an executrix's deed to Robin Tomlinson Johnson and Anthony Everett Tomlinson, of record in Book 10759, page 578, Register's Office for Davidson County, Tennessee.

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

**EXHIBIT "B"**

# RESTRICTIVE COVENANTS
TRACT #1 THRU TRACT # 3
BEING A PART OF TAX MAP #38, PARCEL #77
OLD HICKORY BLVD., WHITES CREEK, TENNESSEE
AUGUST 21, 1999

The following Restrictive Covenants will be imposed on each lot or tract of the captioned property and will form a part of each deed of conveyance.

RESTRICTIVE COVENANTS: The following restrictive covenants shall be covenants running with the land and may be enforced by the GRANTORS, or any one of them, or their respective heirs or personal representatives, or by any owner of any tract or parcel of property shown on the boundary survey of the Tomlinson/Johnson Tracts, by Steve Axley, Registered Land Surveyor, License #1975, dated July 8, 1999, for a period of twenty-five (25) years from the date hereof.

1. No single wide or doublewide mobile home or modular home shall be permitted on the property described herein, either temporarily or permanently.

2. Any home permitted to be constructed on the property must contain a minimum of 1200 square feet on the main floor, exclusive of garages, carports and breezeways.

3. All foundations on any home constructed on the property shall be faced with brick or stone.

4. No swine, poultry, goats or emu shall be permitted on the property, temporarily or permanently.

5. No. junk cars, junk motorcycles, junk trucks, junk farm equipment, or other junk equipment or machinery shall be permitted on the property, temporarily or permanently.

6. Only single-family residential homes are permitted to be constructed on the property. No duplex, triplex or multi-family residences will be permitted on the property, temporarily or permanently.

The foregoing restrictive covenants may be enforced by the GRANTOR or by any owner of any of the Tracts 1 through 3 of the Tomlinson/Johnson Tracts as shown on the survey dated July 8, 1999, by Steve Axley, Registered Land Surveyor, License #1975, by action or suit in the Chancery Court for Davidson County, Tennessee, for injunctive relief and/or damages or both, and in the event of such litigation, the party or parties violating the foregoing restrictions or any one or more of them shall be required to pay the complaining party's reasonable attorney's fees, court costs, deposition costs and other litigation expenses.

# 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 |

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0635539

99 SEP 14 AM 10:09

| | |
|---|---|
| CAMT | 78000.00 |
| CON TX | 288.60 |
| PRFEE | 1.00 |
| WDEED | 16.00 |
| CFEE | 2.00 |
| TOTAL | 307.60 |
| CHECK | 307.60 |

09/14/99 01 10:12 0001 B116

**RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK**

**No.** 1516095