Instr:200004260041496 Page: 1 OF 5
REC'D FOR REC 04/26/2000 3:54:51PM
RECORD FEE: $23.00
M. TAX: $0.00 T. TAX: $1295.00

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CAM

SPECIAL WARRANTY DEED

TO: C. Mark Carver, Trustee

FROM: Alley-Cassetty Coal Co., Inc.

This instrument was prepared by:
C. Mark Carver, Esq.
Sherrard & Roe, PLC
424 Church Street, Suite 2000
Nashville, TN 37219

Address New Owner(s) as Follows:	Send Tax Bills To:	Map/Parcel Numbers
C. Mark Carver, Trustee 54 Music Square East, Suite 102 Nashville, TN 37203	Same	93-1, 89; 92-4, 378

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is $350,000.00.

C Mark Carver
Affiant

Sworn to and subscribed before me, this 24th day of April, 2000.

Notary Public

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires: 5/27/2001

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars, cash in hand paid by the hereinafter named Buyer, and other good and valuable considerations, the receipt of which is hereby acknowledged, **Alley-Cassetty Coal Co., Inc.** (hereinafter called the "Seller"), has bargained and sold, and by these presents does transfer and convey unto **C. Mark Carver, Trustee** (hereinafter called the "Buyer"), and Buyer's successors and assigns, all of Seller's interest in a certain tract of land in Davidson County, Tennessee, described on Exhibit A attached hereto and incorporated herein by reference, and any improvements thereon.

The above-referenced property is conveyed subject to the matters set forth on Exhibit B attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said real property, together with all rights and appurtenances thereunto belonging or in any wise appertaining to Buyer, its successors and assigns, forever in fee simple.

Seller further covenants and binds itself, its representatives, successors and assigns to warrant specially and forever defend the title to said real estate to Buyer, and Buyer's successors and assigns, against the lawful claims of all persons claiming through and under Seller (other than claims arising out of the matters set forth above), but not further or otherwise. 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.

Alley-Cassetty Coal Co., Inc. is the same entity that is incorrectly called Alley-Cassetty Coal Company and Alley-Cassetty Coal Co. in certain documents.

IN WITNESS WHEREOF, Seller has caused this Special Warranty Deed to be executed effective as of the 24th day of April, 2000.

SELLER:

Alley-Cassetty Coal Co., Inc.

By: Fred Cassetty
Fred Cassetty, President

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, a Notary Public of said County and State, personally appeared Fred Cassetty, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be President (or other officer authorized to execute the instrument) of Alley-Cassetty Coal Co., Inc., the within named bargainor and that he as such President executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

Witness my hand and seal, at Office in Nashville, Tennessee, this 24th day of April, 2000.

Notary Public

ROWENA P. MORGAN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires: 5/27/2001

EXHIBIT A

PROPERTY DESCRIPTION

A tract of land lying in the 20th Councilmanic District Metropolitan Nashville-Davidson County, Tennessee being shown as Parcel 89 on Tax Map 93-1 and Parcel 378 on Tax Map 92-4 and a part of original right-of-way of 11th Avenue North which was closed by Metro Council Bill No. 096-443 approved October 9, 1996 and more particularly described according to a survey dated 11-19-99 prepared by Ragan-Smith-Associates, Inc., 315 Woodland Street, Nashville, Tennessee 37206, RLS No. 502, Job No. 99-129, as follows:

Beginning at an iron pin set at the intersection of the northerly right of way line of Jo Johnston Avenue and the easterly right of way line of 11th Avenue North; thence,

1. With the easterly right of way line of 11th Avenue North 28° 38' 53" W, 421.56' to an iron pin set on the northerly right of way line of Clinton Street; thence,

2. With the northerly right of way line of Clinton Street and crossing the southerly end of that part of 11th Avenue North closed by Council Bill 096-443, S 62° 16' 40" W, 233.53' to an existing corner post of chain link fence being the southeast corner of Parcel 337 Tax Map 92-4 owned by Dialysis Clinic, Inc. by deed recorded in Book 10328, Page 960, R.O.D.C., Tennessee; thence,

3. With the easterly line of Parcel 337, N 28° 01' 17" W, 94.05' to an existing iron pin on the southerly right of way line of CSX Railroad formerly Seaboard System Railroad said iron pin being 94.38' south of Centerline Valuation Station 27 + 94.23 of said railroad; thence,

4. With a southerly right of way of said railroad with a curve to the right (radius 754.49) northeasterly a distance of 168.60' to an iron pin set and having a chord bearing and distance of N 78° 18' 20" E, 168.250'; thence,

5. Continuing with said railroad right of way N 84° 28' 41" E, 25.02' to an iron pin set on the original westerly right of way line of 11th Avenue North closed by Council Bill 096-443; thence.

6. Crossing that part of 11th Avenue North closed by Council Bill 096-443, N 31° 47' 13" E, 55.79' to an iron pin set on the original easterly right of way line of 11th Avenue North. Said pin being 50' south of Center line Valuation Station 25+38.41' thence,

7. With the southerly right of way line of CSX Railroad with a curve to the right (radius 710.90) southeasterly a distance of 196.96' to an iron pin set and having a chord bearing a distance of S 82° 39' 21" E, 196.333. Said pin being 50' southwesterly from Center Line Valuation Station 23 + 27.60 of said railroad; thence,

8. Continuing with said railroad right of way 50' southwest of and parallel to the center line of railroad with a curve to the right (radius 932.64') southeasterly a distance of 451.41' to an iron pin set on the northerly right of way line of Jo Johnston Avenue and having a chord bearing and distance of S 60° 50' 39" E, 447.016'; thence,

9. With the northerly right of way line of Jo Johnston Avenue, S 62° 10' 00" W, 397.07' to the point of beginning and containing 137,700 square feet or 3.161 acres.

Being Tracts 1 and 2 in deed to Alley-Cassetty Coal Company from Seaboard System Railroad, Inc. as of record in Book 6433, Page 609, R.O.D.C., Tennessee and also a part of the original right of way of 11th Avenue North closed by Metro Council Bill 096-443. Tract No. 1 in Deed Book 6433, Page 609, R.O.D.C., being parts of Lots 127 and 128 on the plan of the Judge McNairy Mansion House Tract as of record in the front fly leaf of book No. 9, R.O.D.C., Tennessee and a plan of said lots also of record in Plat Book 55, Page 53, R.O.D.C., TN, Tract No. 2 in said deed being parts of Lots 103, 104 and 105 on the plan of Samuel Watkins as of record in Book 57, Page 13, R.O.D.C., TN.

Being the same property conveyed to Alley-Cassetty Coal Company by deed from Seaboard System Railroad, Inc., a Virginia corporation, and United States Trust Company of New York, Trustee of record in Book 6433, page 609, Register's Office for Davidson County, Tennessee and a portion of 11th Avenue North closed by Council Bill 096-443 and Alley-Cassetty Coal Co., Inc. is the same entity that is incorrectly called Alley-Cassetty Coal Company and Alley-Cassetty Coal Co. in certain documents.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes for Metropolitan Nashville and Davidson County for the year 2000 and subsequent years.

2. Easements retained in Metro Council Bill 096-443.

3. All matters shown on the plan of record in Plat Book 57, page 13, RODC.

4. All matters shown on the plan of record in Plat Book 55, page 53, RODC.