Instr:200006050055396 Page: 1 OF 3
REC'D FOR REC 06/05/2000 9:21:16AM
RECORD FEE: $15.00
T. TAX: $0.00 T. TAX: $353.35

THIS INSTRUMENT PREPARED BY:

Homer R. Ayers, Attorney at Law
303 Frances Street (Zip 37072)
P. O. Box 904
Goodlettsville, TN 37070-0904

Warranty Deed

ADDRESS NEW OWNERS:	PERSON OR ENTITY RESPONSIBLE FOR PAYMENT OF REAL PROPERTY TAXES:	MAP-PARCEL NOS.
Charles E. Evans, et ux 164 Carriage Way Hendersonville, Tn. 37075	Same as New Owner	Map 71-15 Parcel 265 Field Book 20W 11535

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, JAMES ROLAND OLDHAM, SR., individually and as Co-Executor of the Estate of Ralph H. Drake, NANCY JEAN DRAKE MOSES, individually and as Co-Executor of the Estate of Ralph H. Drake, WILBUR THOMAS OLDHAM, TERRY WAYNE OLDHAM, and SUSAN NANNETTE DRAKE, being all of the heirs and beneficiaries of the Estate of Ralph Hunt Drake, deceased, hereinafter referred to as the "GRANTORS", have bargained and sold and by these presents do transfer and convey unto CHARLES E. EVANS and wife, JO H. EVANS, hereinafter referred to as the "GRANTEES", their heirs and assigns, a certain tract or parcel of land in DAVIDSON County, State of Tennessee, described as follows, to-wit:

TRACT 1: BEING Lot No. 29 on the Map of Sharpe and Horn's Addition to Northeast Nashville of record in Book 161 page 53, Register's Office for Davidson County, Tennessee.

SAID Lot No. 29 fronts 50 feet on the easterly side of North First Street and runs back between parallel lines 145 feet to an alley.

BEING the same property conveyed to Ralph H. Drake, Jr., unmarried, by deed from Mack Richmond and wife, Katherine Richmond, of record in Book 2486, page 523, Register's Office for Davidson County, Tennessee. And, the said Ralph H. Drake, Jr. a/k/a Ralph Hunt Drake, died, testate, on February 7, 1999, predeceased by his wife, Rubye Alavadore Drake, who died on April 25, 1998. Pursuant to the terms and provisions of the Last Will and Testament of Ralph Hunt Drake the property is now vested as follows: James Roland Oldham, Sr., a 1/5 undivided interest; Nancy Jean Drake Moses, a 1/5 undivided interest; Wilbur Thomas Oldham, a 1/5 undivided interest; Terry Wayne Oldham, a 1/5 undivided interest; and, Susan Nannette Drake, a 1/5 undivided interest. James R. Oldham, Sr. and Nancy Jean Drake Moss were appointed Co-Executors of the Estate of Ralph Hunt Drake in the Seventh Circuit Court for Davidson County, Tennessee (Probate Division), Docket No. 99P-493. The said Last Will and Testament of Ralph Hunt Drake vests his Co-Executors with the full power and authority to sell, transfer and convey the real property described hereinabove.

TRACT 2: BEING Lot No. 30 on the Map of Sharpe and Horn's Second Subdivision of the Lindsley Property, as of record in Book 161 page 53, Register's Office for Davidson County, Tennessee.

SAID Lot No. 30 fronts 50 feet on the easterly side of North First Street and runs back between parallel lines 144 feet more or less to an alley.

BEING the same property conveyed to R. H. Drake, Jr. by deed from Hazel D. Moody, Maggie Shannon and L. B. Shannon of record in Book 2298, page 634, Register's Office for Davidson County, Tennessee. And, the said R. H. Drake, Jr., a/k/a Ralph

H. Drake, Jr. a/k/a Ralph Hunt Drake, died, testate, on February 7, 1999, predeceased by his wife, Rubye Alavadore Drake, who died on April 25, 1998. Pursuant to the terms and provisions of the Last Will and Testament of Ralph Hunt Drake the property is now vested as follows: James Roland Oldham, Sr., a 1/5 undivided interest; Nancy Jean Drake Moses, a 1/5 undivided interest; Wilbur Thomas Oldham, a 1/5 undivided interest; Terry Wayne Oldham, a 1/5 undivided interest; and, Susan Nannette Drake, a 1/5 undivided interest. James R. Oldham, Sr. and Nancy Jean Drake Moss were appointed Co-Executors of the Estate of Ralph Hunt Drake in the Seventh Circuit Court for Davidson County, Tennessee (Probate Division), Docket No. 99P-493. The said Last Will and Testament of Ralph Hunt Drake vests his Co-Executors with the full power and authority to sell, transfer and convey the real property described hereinabove.

The deed of record lists the address of this property as 1223 N. First Street, Nashville, Tennessee. (The records of the Davidson County Tax Assessor and the Davidson County Trustee list the address as 1223 Dickerson Pike, Nashville, Tennessee.)

The legal description, as hereinabove set forth, is the same as that contained in the previous Deed of Record.

RESTRICTIVE COVENANT: The following restrictive covenant shall be a covenant running with the land for a period of thirty-five (35) years from date hereof:

1. No person, persons, corporations or other entities shall operate a business or businesses on the real property described herein, or any part thereof, for the sale, wholesale or retail, of any new goods or merchandise, of the same or similar type as the goods and merchandise, including parts and accessories, as are currently being sold by Drake Hardware, Inc. located at 2939 Dickerson Road, Nashville, TN, or it's successors or assigns.

2. This restriction will be a covenant running with the land and shall be binding on the owner of the property described herein, his, her, their or it's heirs, successors, personal representatives and assigns for a period of thirty-five (35) years after date hereof.

3. This restriction may be enforced by Drake Hardware, Inc., it's successors or assigns or by the Grantors or any one or more of their heirs, personal representatives or assigns, by suit in the Chancery Court for Davidson County, Tennessee, for injunctive relief and/or damages or both; and, damages will be conclusively presumed to amount to the sum of one hundred dollars ($100.00) per day for each day of the violation of this restriction, unless a greater amount can be established at an evidentiary hearing.

4. In the event of a violation of this restriction, the violating party will pay to the enforcing party or parties all of the enforcing party or parties attorney's fees, deposition expenses, court costs and other litigation expenses, as well as all other costs and expenses incurred by the enforcing party in connection with the enforcement of this restriction.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns, forever.

And we, the GRANTORS, do covenant with the said GRANTEES, that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and warrant that the same is unencumbered, except as follows:

1. Real Property Taxes for the year 2000, which are a lien, but not yet due and payable, which have been prorated between the parties and will be paid, in full, by the GRANTEES, when due.

2. Any and all matters as they may appear on the plan of record in Book 161, page 53, said Register's Office.

3. Subject to Restrictive Covenants as set forth and described hereinabove.

And, we, the GRANTORS, do further covenant and bind ourselves, our heirs and representatives to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands on the day and date last acknowledged below.

"GRANTORS"

JAMES ROLAND OLDHAM, SR.
individually and as Co-Executor of the
Estate of Ralph H. Drake, deceased

NANCY JEAN DRAKE MOSES
individually and as Co-Executor of the
Estate of Ralph H. Drake, deceased

WILBUR THOMAS OLDHAM

TERRY WAYNE OLDHAM

SUSAN NANNETTE DRAKE

"GRANTEES"

CHARLES E. EVANS

STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, JAMES ROLAND OLDHAM, SR., NANCY JEAN DRAKE MOSES, WILBUR THOMAS OLDHAM, TERRY WAYNE OLDHAM, SUSAN NANNETTE DRAKE, and CHARLES E. EVANS, 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, at office, this the 1st day of June, 2000.

NOTARY PUBLIC

DIANA C. FREY
NOTARY PUBLIC AT LARGE
ROBERTSON COUNTY, TN
My Comm. Expiers July 30, 2001

STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

The actual consideration or value, whichever is greater, for this transfer is $95,500.00.

Affiant

Sworn to and subscribed before me, this the 1st day of June, 2000.

NOTARY PUBLIC

DIANA C. FREY
NOTARY PUBLIC AT LARGE
ROBERTSON COUNTY, TN
My Comm. Expiers July 30, 2001