Davidson County DEEDQC
Recvd: 01/11/01 15:44 5pgs
Fees:22.00 Taxes:0.00
20010111-0003728

QUIT CLAIM DEED

THE STATE OF TENNESSEE §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DAVIDSON §

That **WATERVLIET SHORES ASSOCIATES, L.L.C.,** a Tennessee limited liability company with an address for the transaction of business c/o Tri City Rentals, 2 Tower Place, Albany, New York 12203 (the "Grantor"), for and in consideration of the sum of TEN and NO/100 DOLLARS ($10.00) and other good and valuable consideration paid to Grantor by **WATERVLIET SHORES ASSOCIATES**, a Tennessee general partnership (the "Grantee"), with an address for the transaction of business c/o Tri City Rentals, 2 Tower Place, Albany, New York 12203, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY all of its right, title an interest unto the Grantee herein as to that certain property (the "Property") lying and being situated in Davidson County, Tennessee, described as follows, to wit:

> That certain tract or parcel of real property situated in Davidson County, Tennessee as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes, together with all improvements thereon and all rights and appurtenances pertaining thereto, including, without limitation, any and all right, title and interest of Grantor in all roads, alleys, easements, street and ways, adjacent thereto, strips and gores and rights of ingress and egress thereto; and those easements, reservations and restrictions set forth on Exhibit "B" attached hereto and made a part hereof for all purpose;

EXECUTED this the 9th day of January, 2001.

GRANTOR:

WATERVLIET SHORES ASSOCIATES, L.L.C.

By: _____
Paul J. Goldman
Its: Authorized Agent

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STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

On the 9th day of January, 2001, before me the undersigned, a Notary Public in and for said State of New York, personally appeared PAUL J. GOLDMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Margaret M. Lanni
Notary Public

MARGARET M. LANNI
Notary Public, State of New York
No. 4920641 Qualified in Albany County
My Commission Expires 7/14/02

This instrument prepared by and
RECORD AND RETURN TO:

Paul J. Goldman, Esq.
Segel, Goldman, Mazzotta & Siegel, P.C.
5 Washington Square
Albany, New York 12205

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value whichever is greater for this transfer is $0.

Subscribed and sworn to before me this the 10th day of January, 2001.

Affiant

My commission expires: 10/14/2002

Marjorie Haines, Notary Public

Address New Owner and Send Tax Bills to:
Watervliet Shores Associates
c/o Morris Massry
Executive Park North
2 Tower Place
Albany, New York 12203

Map-Parcel Numbers:
107-13-132

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EXHIBIT A

Being a parcel of land in the First Civil District of Nashville, Davidson County, Tennessee, located on the south margin of Thompson Place, east of Murfreesboro Road being designated as Lot No. 1 of Lavista Villa Apartments of record in Plat Book 4060, page 29, Register's Office for Davidson County, Tennessee, and being more particularly described as follows:

Beginning at an iron pin in the south margin of Thompson Place, said point being the northwest corner of Jerome B. Guttman property of record in Deed Book 3981 page 142, said Register's Office, and the northwest corner of herein described property:

Thence with said southerly margin and a curve concave to the south having a radius of 2839.79 feet, a central angle of 04 degrees 07' 31" and a chord of N 77 degrees 02' 37" E 204.42 feet for an arc length of 204.47 feet to a point;

Thence continuing with said margin, N 79 degrees 16' 55" E, 138.42 feet to a point;

Thence, leaving said margin with the west line of John Gianikas of record in Deed Book 9507, page 751, said Register's Office, S 12 deg. 03' 59" E, 176.03 feet to a point;

Thence, N 79 degrees 05' 31" E, 197.11 feet to a point;

Thence, with the west line of Crestview, Ltd. of record in Deed Book 6194, page 922, said Register's Office, S 12 degrees 50' 17" E, 72.20 feet to an iron pin;

Thence, S 82 degrees 24' 53" W, 74.94 feet to an iron pin;

Thence, S 07 degrees 10' 00" E, 144.69 feet to an iron pin;

Thence, with the north line of A. C. Service and Installation of record in Deed Book 8634, page 786, said Register's Office, S 76 degrees 43' 52" W, 50.16 feet to a point;

Thence, S 61 degrees 28' 55" W, 31.00 feet to a point;

Thence, with the north line of Farris D. Snoddy of record in Deed Book 9388, page 653, said Register's Office, S 56 degrees, 08' 55" W, 59.00 feet to a point;

Thence, South 53 degrees 55' 56" W, 121.64 feet to a point;

Thence, with the east line of the NES Power Board and Mrs. R.E. Martin of record in Deed Book 8699, page 827, said Register's Office, N 25 degrees 51' 45" W, 292.56 feet to a point;

Thence, with the north line of aforementioned Jerome Guttman, N 48 degrees 25' 47" W, 233.08 feet to the point of beginning, containing 127,629 square feet or 2.93 acres, more or less.

Together with a non-exclusive 25 foot easement to be used as a private road, established in deed of record in Book 3035, page 55, Register's Office for Davidson County, Tennessee, and shown on ALTA/ACSM Land Title Survey dated 01/04/96, revised February 8, 1996 by Crawford Land Surveyors, P.C.

Being the same property conveyed to Watervliet Shores Associates a Tennessee general partnership by Quitclaim Deed of record in Instrument # 199912280307567, Register's Office of Davidson County, Tennessee and being corrected by this instrument as to the legal description therein.

EXHIBIT "B"

EASEMENTS, RESERVATIONS AND RESTRICTIONS

1. Deed to Trust by and between Watervliet Shores Associates, L.L.C. and Mid-South Title Insurance Company, as Trustee for the benefit of SouthTrust Bank of Alabama, National Association securing the principal sum of $1,600,000 dated 2/9/96 and recorded on 2/12/96 in Book 9954 at Page 854 Register's Office, Davidson County, Tennessee, and assigned by Assignment of Deed of Trust to SouthTrust Capital Funding Corp. of record in Book 10320 at Page 198 Register's Office, Davidson County, Tennessee, and further assigned by Assignment of Deed of Trust to LaSalle National Bank as custodian in Book 10320 at Page 203, Register's Office, Davidson County, Tennessee.

2. Financing Statement by Watervliet Shores Associates, LLC, as Debtor, in favor of SouthTrust Bank of Alabama, National Associates, as Secured Party, of record in Book 9945, Page 888, said Register's office, and assigned to SouthTrust Capital Funding Corp. of record in Book 10320, Page 202, said Register's Office, and further assigned to LaSalle National Bank as custodian of record in Book 10320, Page 207, said Register's Office.

3. Financing Statement by Watervliet Shores Associates, LLC, as Debtor, in favor of SouthTrust Bank of Alabama, National Associates, as Secured Party, bearing file no. E0034437, filed in said Register's office, and assigned to SouthTrust Capital Funding Corp. of record in file no.OE41715, said Register's Office, and further assigned to LaSalle National Bank as custodian of record in file no. OE41716, said Register's Office.

4. Financing Statement by Watervliet Shores Associates, LLC, as Debtor, in favor of SouthTrust Bank of Alabama, National Associates, as Secured Party, bearing file no. 96518816, filed in the Tennessee Secretary of State's office, and assigned to SouthTrust Capital Funding Corp. of record in file no.971-501776, in the Tennessee Secretary of State's office, and further assigned to LaSalle National Bank as custodian of record in file no. 971-501777, in the Tennessee Secretary of State's office.

6. Payment of taxes, charges, assessment, levied and assessed against subject premises, which are due and payable.

7. All defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the date hereof.

8. All encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the land.

9. All matters shown on Plan of Record in Plat Book 4060, Page 29, said Register's Office, including easement for public utilities and drainage, sewer line and conditions of owners certificate, as shown on said Plan of Record, and shown on Survey referenced at 12 below.

10. Sanitary sewer and/or storm drainage easement of record in Book 4081, Page 789, said Register's Office, and shown on Survey referenced at 12 below.

11. Easement reserved in deed of record, Book 3035, Page 55, said Register's Office.

12. ALTA/ACSM Land Title Survey by Crawford Land Surveying dated January 4, 1996, revised February 8, 1996, and updated November 13, 2000, showing encroachment of rockwall along a portion of the easterly lot line south of extreme east building, chain line fence encroaching portion of northerly lot line, railroad tie wall and rock wall encroaching 25' x 240' ingress-egress easement along portion of easterly lot line and within Tract 1, shown on said survey, and discrepancies between calls and distances as shown on plat of record in Book 4060, Page 29, said Register's Office, and those shown on said survey, and canopy and steps encroaching minimum building setback line from Thompson Place.