THIS INSTRUMENT PREPARED BY:
Hugh W. Entrekin
TUNE, ENTREKIN & WHITE, P.C.
21st Floor, AmSouth Center
315 Deaderick Street
Nashville, Tennessee 37238
(615) 244-2770

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater for this transfer is $292,086.00

HWE

AFFIANT

Subscribed and sworn to before me, this 16 day of January, 2001.

Patty J. Welsh

NOTARY PUBLIC

My Commission Expires: 9/21/01

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Address New Owners as Follows: **Send Tax Bills To:** **Map-Parcel Number:**

Beazer Homes Corp.
d/b/a Phillips Builders
2910 Kraft Drive
Nashville, TN 37204

SAME My Commission Expires SEPT. 29, 2001
Portion or Parcel 26

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid by the hereinafter named Grantee, and other good and valuable considerations, the receipt of which is hereby acknowledged,

Gilbert S. Merritt, Jr. ("Grantor") does hereby bargain, sell, transfer and convey unto Beazer Homes Corp. d/b/a Phillips Builders, a Tennessee corporation ("Grantee") its successors and assigns, property located in Nashville Davidson County, Tennessee and more particularly described as follows:

See Attached Exhibit A

Being a portion of the property conveyed to Gilbert S. Merritt and wife Angie Cantrell Merritt by deed from Leonard L. Clark and wife Jesse P. Clark of record in Book 1302, page 218, Register's Office for Davidson County, Tennessee, said property being solely vested in Gilbert S. Merritt by deed of record in Book 1813, page 215, said Register's Office. The said Gilbert S. Merritt having since died intestate in 1955 leaving his interest to his sole heirs, his son Gilbert S. Merritt, Jr. and a dower interest to his wife Angie Cantrell Merritt. Angie Cantrell Merritt having since died vesting title solely in Gilbert S. Merritt, Jr.

PICK-UP

This conveyance is subject to matters shown on Exhibit B attached hereto.

TO HAVE AND TO HOLD said tract or parcel of land with the appurtenances, estate, title and interest thereto belonging to the said Beazer Homes Corp. d/b/a Phillips Builders, its successors and assigns, forever.

AND Gilbert S. Merritt,Jr. does hereby covenant with the said Beazer Homes Corp. d/b/a

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

Davidson County DEEDWARR
Recvd: 01/17/01 15:54 4pgs
Fees:19.00 Taxes:1080.72
20010117-0005189

Phillips Builders that he is lawfully seized and possessed of said land in fee simple, has a good right to convey it and that the same is unencumbered, except as otherwise provided herein.

AND Gilbert S. Merritt, Jr. does further covenant and bind himself,, his heirs, representatives and assigns to warrant and forever defend the title to said land to the said Beazer Homes Corp. d/b/a Phillips Builders, its successors and assigns against the lawful claims of all persons whomsoever.

Robin Saxon Merritt, wife of Gilbert S. Merritt, Jr. joins in this conveyance for the sole purpose of quitclaiming any and all interest she may have in the subject property.

IN WITNESS WHEREOF, this Warranty Deed has been executed this 16th day of January, 2001.

Gilbert S. Merritt a/k/a Gilbert S. Merritt, Jr.

Robin Saxon Merritt

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 Gilbert S. Merritt (a/k/a Gilbert S. Merritt, Jr.), the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, on this 16th day of January, 2001.

PATTY J. WELCH NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

NOTARY PUBLIC

My commission expires: 9/29/01

My Commission Expires SEPT. 29, 2001

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 Saxon Merritt, the bargainor, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, on this 16th day of January, 2001.

PATTY J. WELCH NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

NOTARY PUBLIC

My commission expires: 9/29/01

My Commission Expires SEPT. 29, 2001

Ex A

Prepared by: Anderson-Delk & Associates
618 Grassmere Park Drive, Suite 4
Nashville, Tennessee 37211

Property Description

Portion of
Gilbert S. Merritt Property
Proposed Truxton Park, Section Two

Being a 9.275 more or less acre tract of land lying in the 11th Councilmanic District of Davidson County, Tennessee, and being a portion of the property conveyed to Gilbert S. Merritt as evidenced by deed of record in Deed Book 1302, page 218, Register's Office Davidson County, Tennessee, and being more particularly described as follows:

Beginning at an iron pin set on the easterly margin of Remington Park Road, said point being the most northwesterly corner of Lot 219 on the plan of Truxton Park, Section One, of record at Instrument No. 20001026-0106272, Register's Office Davidson County, Tennessee;
Thence with the common line of the herein-described tract and said plan of Truxton Park, Section One, the following seven calls:
Along a curve to the left having a radius of 375.00 feet through a central angle of 01 Degrees 42 Minutes 12 Seconds, said curve having a chord direction of North 15 Degrees 26 Minutes 05 Seconds East, and a chord length of 11.15 feet to a point;
Thence North 80 Degrees 57 Minutes 49 Seconds West a distance of 50.27 feet to an iron pin set;
Thence North 86 Degrees 21 Minutes 20 Seconds West a distance of 66.27 feet to an iron pin set;
Thence North 80 Degrees 57 Minutes 49 Seconds West a distance of 100.00 feet to an iron pin set;
Thence South 86 Degrees 16 Minutes 10 Seconds West a distance of 54.34 feet to an iron pin set;
Thence North 80 Degrees 57 Minutes 49 Seconds West a distance of 54.00 feet to an iron pin set;
Thence North 71 Degrees 10 Minutes 03 Seconds West a distance of 26.99 feet to an iron pin set in the easterly line of remaining Gilbert S. Merritt Property of record in Deed Book 1302, page 218, Register's Office Davidson County, Tennessee;
Thence North 23 Degrees 19 Minutes 18 Seconds East a distance of 28.41 feet to an existing iron pin, said point being the most southeasterly corner of Fox Run Office Village, the plan for which is of record in Plat Book 6200, page 46, Register's Office Davidson County, Tennessee;
Thence with the easterly line of said Fox Run Office Village,
North 08 Degrees 56 Minutes 37 Seconds East a distance of 189.76 feet to an existing iron pin;
Thence continuing North 09 Degrees 02 Minutes 11 Seconds East a distance of 79.90 feet to an iron pin set;
Thence severing said Merritt Property, the following five calls:
South 80 Degrees 57 Minutes 49 Seconds East a distance of 344.89 feet to a point;
South 09 Degrees 02 Minutes 11 Seconds West a distance of 1.77 feet to an iron pin set;
South 80 Degrees 57 Minutes 49 Seconds East a distance of 215.03 feet to an iron pin set;
South 72 Degrees 43 Minutes 32 Seconds East a distance of 140.27 feet to an iron pin set;
South 61 Degrees 56 Minutes 56 Seconds East a distance of 607.52 feet to an iron pin set at the northwesterly corner of an open space tract on the afore-said plan of Truxton Park, Section One; Thence with the common line of the herein-described tract and said plan of Truxton Park, Section One, the following nine calls:
South 28 Degrees 46 Minutes 31 Seconds East a distance of 186.06 feet to an iron pin set;
South 61 Degrees 13 Minutes 29 Seconds West a distance of 120.00 feet to an iron pin set;
Thence North 28 Degrees 46 Minutes 31 Seconds West a distance of 55.00 feet to an iron pin set;
Along a curve to the left having a radius of 320.00 feet through a central angle of 05 Degrees 49 Minutes 31 Seconds, said curve having a chord direction of North 31 Degrees 41 Minutes 16 Seconds West, and a chord length of 32.52 feet to an iron pin set;
Thence South 55 Degrees 23 Minutes 59 Seconds West a distance of 103.21 feet to an iron pin set;
Thence South 71 Degrees 33 Minutes 35 Seconds West a distance of 63.20 feet to an iron pin set;
Thence North 86 Degrees 05 Minutes 30 Seconds West a distance of 74.08 feet to an iron pin set;
Thence North 62 Degrees 49 Minutes 30 Seconds West a distance of 508.09 feet to an iron pin set;
Thence North 73 Degrees 42 Minutes 49 Seconds West a distance of 209.83 feet to the Point of Beginning, containing 9.275 acres or 404017 square feet, more or less.

EXHIBIT B

1. Current year's taxes - Map 64-16, Parcel 26, a lien, but not yet due and payable.

2. Utility Easement to Cumberland Utility District of record in Book 4910, page 838, Register's Office for Davidson County, Tennessee.

3. Ingress and Egress rights described in deed of record in Book 5699, page 537, said Register's Office.