Davidson County DEEDWARR
Recvd: 08/16/01 11:36 7pgs
Fees:38.00 Taxes:12765.00
20010816-0088644

Box 49

Address New Owner:	Send Tax Bills to:	Map-Parcel Numbers
Home Depot U.S.A., Inc. 2455 Paces Ferry Road Building C, 20th Floor Atlanta, GA 30339	Owner	Map 118-11 Parcel 179
This instrument prepared by: Boult, Cummings, Conners & Berry, PLC (PLA) P.O. Box 198062, Nashville, Tennessee 37219		

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, HENRY R. HILLENMEYER and ROBERT K. ZELLE, individual residents of the State of Tennessee ("Grantors"), have bargained and sold, and hereby transfer and convey to HOME DEPOT U.S.A., INC., a Delaware corporation ("Grantee"), Grantee's successors and assigns, certain land in Davidson County, Tennessee, being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

TO HAVE AND TO HOLD the Property with all appurtenances, estate, title, and interest thereto belonging to Grantee, Grantee's successors and assigns, forever.

This conveyance of the Property, and all covenants and warranties contained herein, are made expressly subject to the matters described in Exhibit B attached hereto and incorporated herein by reference.

STATE OF Georgia
COUNTY OF Cobb

The actual consideration or value, whichever is greater, for this transfer is $3,450,000.00.

Home Depot U.S.A., Inc.

By: _____
Title: Jeff Israel
Senior Corporate Counsel - Real Estate

Subscribed and sworn to before me, this the 13th day of August, 2001.

"OFFICIAL SEAL"
Glenda M. Wiggins
Notary Public, State of Georgia
My Comm. Exp. 12-27-03

_____
Notary Public
My Commission Expires: 12-27-03

v1
043185-001 08/13/01
AO 504864.2

Grantors covenant with Grantee that the Property is free from all encumbrances made by Grantors, except as may be set forth in Exhibit B attached hereto and incorporated herein by reference.

Grantors further covenant to warrant and forever defend the title to the Property to Grantee, Grantee's successors and assigns, against the lawful claims of all persons claiming by, through or under Grantors.

This is unimproved property known as 2421 Powell Avenue, Nashville, Tennessee.

Except as otherwise expressly set forth in that certain Real Property Purchase Agreement dated as of February 9, 2001 between Grantors and Grantee, and except as provided in the warranty of title set forth above, by its acceptance of this Special Warranty Deed, Grantee, for itself and for all successors in title to the Property, (i) agrees that the Property is sold to and accepted by Grantee AS IS, WHERE IS, WITH ALL FAULTS, IF ANY, AND WITHOUT ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, (ii) specifically acknowledges that Grantors make no representation or warranty concerning the environmental condition of the Property, (iii) specifically acknowledges that Grantors expressly disclaim any obligation or responsibility to perform any remediation activities with respect to the Property, and (iv) accepts the Property in its existing condition and irrevocably waives any all claims against Grantors arising from the condition, fitness for any particular purpose, suitability, merchantability or habitability of the Property (including, without limitation, the presence of any petroleum hydrocarbons, asbestos, PCB emissions or hazardous waste or materials on or within the Property).

Executed this 14th day of August, 2001.

HENRY R. HILLENMEYER

ROBERT K. ZELLE

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Linda B. DeVault, the undersigned, a Notary Public in and for said County and State, the within named Henry R. Hillenmeyer, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal at office in Nashville, Tennessee, on this the 14th day of August, 2001.

Linda B. DeVault
Notary Public

My Commission Expires:
2-27-04

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Linda B. DeVault the undersigned, a Notary Public in and for said County and State, the within named Robert K. Zelle, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal at office in Nashville, Tennessee, on this the 14th day of August, 2001.

Linda B. DeVault
Notary Public

My Commission Expires:
2-27-04

EXHIBIT A

Being a parcel of land in Nashville, First Civil District, Twenty-Sixth Councilmanic District, Davidson County, Tennessee, located between Powell Avenue and the CSX Transportation Railroad, south of and adjacent to Thompson Lane and being more particularly described as follows:

Beginning at the point of intersection of the easterly occupied/usage right-of-way of the CSX Transportation Railroad and the southerly right-of-way of Thompson Lane, said point being 33 feet easterly of the centerline of track; thence, with the southerly right-of-way of said Thompson Lane (controlled access right-of-way), N 50 deg. 42' 05" E, 368.22 feet to the right-of-way monument; thence, leaving said right-of-way with the westerly boundary of a pump station site deeded to Metropolitan Government of Nashville, Davidson County, Tennessee of record in Book 7275, page 575, Register's Office for Davidson County, Tennessee; S 34 deg. 26' 50" E, 123.73 feet to an iron pin; thence, with the southerly boundary of said pump station site, N 70 deg. 42' 49" E, 175.01 feet to an iron pin; thence, with the easterly boundary of said pump station site along the westerly bank of East Fork Browns Creek, N 27 deg. 40' 35" W, 91.35 feet to an iron pin on the southerly side of a drive leading to said site; thence, along said drive, N 70 deg. 31' 21" E, 167.59 feet to an iron pin in the westerly right-of-way of Old Powell Avenue; thence, with said Powell Avenue, S 27 deg. 41' 21" E, 269.33 feet to an iron pin; thence, S 24 deg. 23' 29" E, 249.82 feet to an iron pin; thence, continuing with said right-of-way with a curve to the left, 87.95 feet to a point, said curve having a radius of 6,738.95 feet, a central angle of 00 deg. 44' 52", a tangent distance of 43.98 feet and a chord of S 24 deg. 45' 55" E, 87.95 feet; thence, leaving said Powell Avenue with a severance line, S 87 deg. 58' 17" W, 129.20 feet to the center of said East Fork Browns Creek; thence S 58 deg. 01' 24" W, partly along a fence, 559.75 feet to the easterly occupied/usage right-of-way of said CSX Transportation Railroad; thence, with said right-of-way being 33 feet distant from and parallel to the centerline of the main track and with a curve to the right in a northwesterly direction, 599.82 feet to the point of beginning, said curve having a radius of 13,138.44 feet, a central angle of 02 deg. 36' 57", a tangent distance of 299.97 feet and a chord of N 29 deg. 40' 27" W, 599.77 feet; containing 410,723 square feet or 9.43 acres, more or less.

Together with an appurtenant easement for access over certain property described as follows:

Being a parcel of land located in the First Civil District, Twenty-Sixth Councilmanic District, Nashville, Davidson County, Tennessee, located on the west side of Powell Avenue, south of Thompson Lane and being more particularly described as follows:

Beginning at a point in the westerly right-of-way line of Powell Avenue, said point being the southeast corner of property conveyed to Thompson-Powell Venture, LLC, as of record in Book 9753, page 844, Register's Office for Davidson County, Tennessee; thence, along a curve to the left 93.59 feet to a point, said curve having a central angle of 00 deg. 47' 45", a radius of 6,738.95 feet, a tangent of 46.80 feet and a chord of S 25 deg. 32' 13" E, 93.59 feet; thence, leaving said westerly right-of-way line of Powell Avenue

along a curve to the right 289.46 feet to a point in the southerly line of property conveyed to Thompson-Powell Venture, LLC, as of record in Book 9753, page 844, Register's Office for Davidson County, Tennessee; said curve having a central angle of 94 deg. 46' 19", a radius of 175.00 feet, a tangent of 190.22 feet and a chord of S 84 deg. 16' 48" W, 257.58 feet; thence, with said southerly line, N 58 deg. 01' 24" E, 102.36 feet to a point; thence, continuing with said southerly line, N 87 deg. 58' 17" E, 129.20 feet to the point of beginning, containing 23,644 square feet or 0.54 acre, more or less.

Being the same property conveyed to Henry R. Hillenmeyer and Robert K. Zelle by Successor Trustee's Deed from William L. Norton, III, as Successor Trustee, of record in Book 10490, page 455, Register's Office for Davidson County, Tennessee, the appurtenant easement for access having been granted by Access Easement of record in Book 9759, page 20, said Register's Office.

EXHIBIT B

1. Real estate taxes for the current year, which have been prorated between the parties and assumed by Grantee.

2. Easement for the flow of East Fork Browns Creek.

3. Title to that portion of the premises, if any, embraced within the charter right-of-way of CSX Transportation Railroad.

4. Easement for transmission line as set forth in the instrument from Joseph H. Thompson, Jr. and wife, Elizabeth Lacy Thompson, to The United States of America of record in Book 1153, page 542, Register's Office for Davidson County, Tennessee.

5. Easements for the use, operation, maintenance, repair and replacement of certain electric transmission and distribution lines, water supply mains and sewer lines, and for access to and from such lines and mains for such purposes, as set forth in the deed from The Sunday School Board of The Southern Baptist Convention to Thompson-Powell Venture, LLC of record in Book 9753, page 844, Register's Office for Davidson County, Tennessee, in the deed from Tennessee Development Company to The Sunday School Board of The Southern Baptist Convention of record in Book 1814, page 533, said Register's Office, and in the deed from The United States of America to Tennessee Development Company of record in Book 1561, page 117, said Register's Office.

6. Easement for railroad spur track as set forth in the deed from Tennessee Development Company to The Sunday School Board of The Southern Baptist Convention of record in Book 1814, page 533, said Register's Office.

7. Easement for underground water main as set forth in the instrument from The Sunday School Board of The Southern Baptist Convention to Nashville Suburban Utility District of record in Book 3028, page 569, Register's Office for Davidson County, Tennessee.

8. Lack of access to a controlled access highway as set forth in the deed from The Sunday School Board of the Southern Baptist Convention and Graphic Arts Properties Inc. to the State of Tennessee of record in Book 4567, page 558, Register's Office for Davidson County, Tennessee.

9. Permanent drainage easement as set forth in the deed from The Sunday School Board of the Southern Baptist Convention and Graphic Arts Properties Inc. to the State of Tennessee of record in Book 4680, page 268, Register's Office for Davidson County, Tennessee.

10. Easement for water mains and appurtenances as set forth in the instrument from The Sunday School Board of the Southern Baptist Convention to Metropolitan Government of Nashville and Davidson County, Tennessee of record in Book 5878, page 474, Register's Office for Davidson County, Tennessee.

11. Permanent drainage easement for storm sewers and/or sanitary sewers as set forth in the instrument from The Sunday School Board of The Southern Baptist Convention to The Metropolitan Government of Nashville and Davidson County, Tennessee of record in Book 6597, page 381, Register's Office for Davidson County, Tennessee.

12. Permanent easements for water mains and appurtenances as set forth in the instrument from The Sunday School Board of the Southern Baptist Convention to Metropolitan Government of Nashville and Davidson County, Tennessee of record in Book 6695, page 66, Register's Office for Davidson County, Tennessee.

13. Permanent drainage easement as set forth in the deed from The Sunday School Board of the Southern Baptist Convention to Metropolitan Government of Nashville and Davidson County by instrument of record in Book 7698, page 302, Register's Office for Davidson County, Tennessee.

14. Restrictions, covenants, agreements and assumption of obligations as set forth in the Quitclaim Deed from CSX Transportation, Inc. to The Sunday School Board of The Southern Baptist Convention of record in Book 9753, page 837, Register's Office for Davidson County, Tennessee.

15. Terms and provisions of Access Easement among The Sunday School Board of The Southern Baptist Convention, Quebecor Printing Dickson Inc. and Thompson-Powell Venture, LLC of record in Book 9759, page 20, Register's Office for Davidson County, Tennessee.

16. All matters shown on the survey by Steven D. Delle of Dale & Associates dated March 29, 2001, revised April 17, 2001.