Box
#42

Davidson County DEEDWARR
Recvd: 10/09/01 15:04 6pgs
Fees:33.00 Taxes:643.43
20011009-0110158

This instrument prepared by:
Jane E. Harris
12700 Northborough
Houston, TX 77067

| Address New Owner: | Send Tax Bills To: | Tax Parcel No.: |
|---|---|---|
| Tri Star Energy, LLC<br>1740 Ed Temple Blvd<br>Nashville, TN 37208 | Tri Star Energy, LLC<br>1740 Ed Temple Blvd<br>Nashville, TN 37208 | 134-13-0 193.00 |

## SPECIAL WARRANTY DEED

THIS IS A DEED dated September 25, 2001, effective October 1, 2001, by and between **Motiva Enterprises LLC**, a Delaware limited liability company, having an office at 12700 Northborough, Ste. 100, Attn: Real Estate Administration, Houston, Texas 77067 ("**Grantor**") and **Tri Star Energy, LLC,** a Delaware limited liability company, having an office at 1740 Ed Temple Blvd., Nashville, Tennessee, 37208 ("**Grantee**")

**W I T N E S S E T H:**

In consideration of Ten and no/100 Dollars ($10.00) and other good and valuable consideration, Grantor has hereby bargained and sold and does hereby transfer and convey in fee simple to Grantee with special warranty of title the following described Premises situated at 361 Harding Place, City of Nashville, County of Davidson, State of Tennessee, more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"), together with any buildings, fixtures and located thereon.

LESS AND EXCEPT: All right, title and interest in and to any oil, gas and other minerals (including without limitation, helium, lignite, sulfur, phosphate and other solid, liquid and gaseous substances), regardless of the nature thereof and whether similar or dissimilar and the right to explore for, develop and produce same, as well as the right to lease the Premises herein conveyed for such purposes, and all mineral and royalty rights whatsoever in, on or under and pertaining to the Premises but without the right to use, or right of any ingress to or egress from the surface of the Premises herein conveyed for exploration or producing purposes, all of said interests having been saved, retained, reserved and excepted in a previous conveyance of the Premises;

together with all rights, privileges and appurtenances thereto and all buildings and land improvements thereon;

TO HAVE AND TO HOLD the same, together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee and Grantee's heirs, administrators, executors, successors and assigns forever; but

SUBJECT to the following:

Encroachments, protrusions, easements, changes in street lines, rights-of-way and other matters that would be revealed by a current on the ground survey and inspection of the Premises.

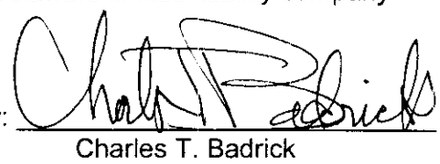
Recorded leases, agreements, easements, rights-of-way, covenants, conditions and restrictions as the same may be of present force and effect. Zoning regulations, ordinances, building restrictions, regulations and any violations thereof.

The lien for real property taxes for the current year, and any liens for special assessments which as of the date hereof, are not due and payable.

SUBJECT to the foregoing, Grantor covenants with Grantee that Grantor is seized and possessed of the said Premises and has the right to convey it and binds itself and its successors to warrant and defend title to the Premises against the lawful claims of all persons claiming by, through, or under Grantor, but not otherwise.

EXECUTED by Grantor as of the date first herein specified.

MOTIVA ENTERPRISES LLC,
a Delaware limited liability company

By: 

Charles T. Badrick
Attorney-in-Fact

STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned authority, a notary public in and for said county and state, personally appeared Charles T. Badrick, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who upon oath, acknowledged himself to be the Attorney-in-Fact of Motiva Enterprises LLC, a Delaware limited liability company, the within named Grantor, and that he, as such Attorney-in-Fact, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as such Attorney-in-Fact.

WITNESS my hand and seal at office in Harris County, Texas, this 27th day of September, 2001.

MARY M. CHIOCCO
MY COMMISSION EXPIRES
JANUARY 3, 2005

Name: Mary M Chiocco
Notary Public

My commission expires: 01/03/05

I hereby swear and affirm that the actual consideration or true value of this transfer, whichever is greater, is $ 173,900.

By: Jane E. Harris

Subscribed and sworn to before me this 1st day of October, 2001.

Name: Steven L. West
Notary Public

My commission expires: 1/26/02

STEVEN L. WEST
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

# EXHIBIT A

TRACT # 8
WIC # 241-6144-4906
TAX PARCEL # 134-13-0 193.00

All that certain tract or parcel of land situated in the city of Nashville, county of DAVIDSON, state of TENNESSEE, with a physical address of I-24 and Harding Place, and more particularly described as follows:

Parcel One

Being lot No. 258 on the plan of Kenilworth Estates, Section 4, as of record in book 3300, page 34, 35 and 36, Register's Office for said County, said lot No. 258 fronts 73 feet on the northerly side of Largo Drive and extends back 147.8 feet on the easterly line and 146.2 feet on the westerly line, to a dead line, measuring 73 feet thereon, being the same property conveyed to Fred H. Ogborn and wife, Geneva J. Ogborn, by deed from Eugene C. Johnson and wife, of record in book 4002, page 886, said Register's Office.

Parcel Two

Being lot No. 259, Kenilworth Estates, Section 4, as of record in book 3300, pages 34, 35 and 36, Register's Office for said County, said lot No. 259 fronts 70 feet along the northwesterly margin of Largo Drive and extends back between lines 146.2 feet on the northeasterly line and 144.7 feet on the southwesterly line, to a line at the rear measuring 70 feet thereon, said rear line being the southeasterly margin of a proposed highway right-of-way, being the same property conveyed to Robert H. Waechter and wife, Betty Ann Waechter, by deed from Maurice Karr, Trustee, of record in book 4313, page 344, said Register's Office.

Parcel Three

Being lot No. 260, Kenilworth Estates, Section 4, as of record in book 3300, pages 34, 35 and 36, Register's Office for said County, said lot No. 260 fronts 70 feet along the northwesterly side of Largo Drive and runs back between lines 144.7 feet on the northeasterly line and 143.1 feet on the southwesterly line to a line at the rear measuring 70 feet, thereon said rear line being the southeasterly margin of a proposed highway, being the same property conveyed to William J. Massia and wife, Helen S. Massia, by deed from Maurice Karr, Trustee, of record in book 4304, page 472, said Register's Office.

# EXHIBIT A (Continued)

TRACT # 8 (Cont'd)
WIC # 241-6144-4906
TAX PARCEL # 134-13-0 193.00

Parcel Four

Being lot No. 261 on the plan of Kenilworth Estates, Section IV, as of record in book 3300, pages 34, 35 and 36, Register's Office for said County, said lot No. 261 fronts 70.0 feet on the northerly side of Largo Drive and extends back 143.1 feet on the easterly line and 142.1 feet on the westerly line, to a line in the rear on which it measures 70.0 feet, being the same property conveyed to Oakes & Smith Realty Co., Inc., by deed from Mike Nichols and wife, of record in book 4560, page 533, Register's Office for said County.

Parcel Five

Being lot No. 262, Kenilworth Estates, Section 4, as of record in book 3300, page 36, Register's Office for said County, said lot no. 262 fronts 70 feet along the northwesterly side of Largo Drive and runs back 142.1 feet on the northeasterly line and 150.1 feet along the southwesterly line which is a broken line of 3 segments, to a line at the rear measuring 59.5 feet thereon, the same being the southeasterly margin of the right-of-way for an unnamed proposed highway, being the same property conveyed to Robert R. Webb and wife, Dorothy Jean Webb, by deed from Donovan R. Gilbert and wife, of record in book 4434, page 984, said Register's Office.

Parcel Six

Being Reserved Parcel "C" on the map of Kenilworth Estates, Section 4, of record in book 3300, page 36, Register's Office for said County, as follows, said Reserved Parcel "C" fronts 70.4 feet on the south side of Harding Place and runs back with the easterly boundary line of lot No. 258, 147.8 feet and with the westerly boundary line of Potts Property, 166.3 feet to a concrete monument, being the same property conveyed to Murfreesboro Road Civitan Home for Retarded Children, Inc., by deed from Ervin M. Entrekin Trustee, of record in book 4352, page 702, Register's Office for Davidson County, Tennessee,

together with all easements, rights, privileges and appurtenances thereto, all buildings, land improvements and personal property thereon, and all right, title and interest (if any) in all public ways adjoining the premises.

## EXHIBIT A (Continued)

TRACT # 8 (Cont'd)
WIC # 241-6144-4906
TAX PARCEL # 134-13-0 193.00

Less and Excepta part of Reserved Parcel "C" on the map of Kenilworth Estates, Section 4, of record in book 3300, page 36, Register's Office for said County, as follows:

> BEGINNING with a concrete monument located on the Southern right-of-way margin of Harding Place and on the Eastern property line of said Reserved Parcel "C", also being the beginning point of access control; Thence S 2 degrees 38 minutes W a distance of 117.32 feet to a point; Thence N 22 degrees 35 minutes W a distance of 84.57 feet to a point; Thence with a curve to the left having a radius of 19.93 feet and a length of 31.77 feet to a point in the Southern right-of-way margin of Harding Place; Thence with said right-of-way N 66 degrees 04 minutes E a distance of 70.4 feet to a concrete monument; Thence S 66 degrees 17 minutes 55 seconds W a distance of 11.15 feet to the point of BEGINNING, and containing 0.06 acres, more or less; Being a part of the property conveyed to Shell Oil Company by Deed dated November 28, 1972 from Murfreesboro Road Civitan Home for Retarded Children, Inc., of record in book 4659 page 248, Register's Office for Davidson County, Tennessee.

together with all rights, privileges and appurtenances thereto belonging.

Being the property conveyed to Motiva Enterprises LLC, a Delaware limited liability company, by Deed from Shell Oil Company, a Delaware corporation, of record in Book 11160, Page 151, Register's Office for Davidson County, Tennessee.