40-A

# RE-RECORD

THIS INSTRUMENT PREPARED BY:
GIBSON & GREGORY
Suite 1900, 201 Fourth Avenue North
Nashville, Tennessee 37219

Davidson County DEEDWARR
Recvd: 12/10/01 16:31 3pgs
Fees:17.00 Taxes:0.00
20011210-0135958

**PICK-UP**

Davidson County DEEDWARR
Recvd: 06/11/01 09:20 3pgs
Fees:15.00 Taxes:1480.00
[redacted]
20010611-0061004

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $400,000.00.

Elaine Ruff
Affiant

Subscribed and sworn to before me this 8 day of June, 2001.

ANDREW B. GIBSON, JR. NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: 7/26/03

My Commission Expires July 26, 2003

SPECIAL WARRANTY DEED

| ADDRESS OF NEW OWNER: | SEND TAX BILLS TO: | MAP/PARCEL NOS. |
|---|---|---|
| NENR Investments, LLC<br>315 Woodland Street<br>Nashville, TN 37206 | New Owner | Map 155-0<br>Parcel 274 |

For and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS cash in hand paid by the herein named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, KROGER LIMITED PARTNERSHIP I, AN OHIO LIMITED PARTNERSHIP, hereinafter "GRANTOR", has bargained and sold, and by these presents does hereby transfer and convey unto NENR INVESTMENTS, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, hereinafter "GRANTEE", its successors, representatives and assigns forever, that certain tract or parcel of land located in Davidson County, Tennessee, as described in Exhibit "A" attached hereto and incorporated herein by reference.

This is UNIMPROVED property known as Map 155-0, Parcel 274, in Nashville, Tennessee.

This conveyance is made subject to all matters of record and those matters reflected on the survey prepared by Arrowhead Survey dated December 12, 2000, as revised on May 30, 2001.

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors, representatives and assigns forever.

GRANTOR does further covenant and bind itself, its successors and assigns to warrant and forever defend the title to the said land to the said GRANTEE, its successors, representatives and assigns, against the lawful claims by, through or under the GRANTOR, but not further, or otherwise.

THIS INSTRUMENT IS BEING RE-RECORDED TO CORRECT A SCRIVENER'S ERROR WHEREIN ONE DIGIT WAS OMITTED FROM THE RECORDING INFORMATION OF THE PLAT IN THE LEGAL DESCRIPTION ON EXHIBIT "A" HEREOF.

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WITNESS its hand this 7th day of June, 2001.

KROGER LIMITED PARTNERSHIP I,
An Ohio limited partnership

BY: KRGP, Inc., an Ohio corporation,
General Partner

By: Thomas P. O'Brien, Jr.

Title: Vice President

STATE OF OHIO )
COUNTY OF HAMILTON )

Before me, the undersigned, of the state and county aforesaid, personally appeared Thomas P. O'Brien, Jr., with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged HIM self to be Vice President KRGP Inc., an Ohio corporation, general partner of KROGER LIMITED PARTNERSHIP, I, the within named bargainor, an Ohio limited partnership, and that HE as such [illegible] executed the foregoing instrument for the purpose therein contained by signing the name of the corporation as general partner of the limited partnership by HIM self as such [illegible].

Witness my hand and official seal this the 7th day of June, 2001.

Brenda R. Andes
Notary Public

My Commission Expires: [illegible]

BRENDA R. ANDES
Notary Public, State of Ohio
My Commission Expires June 20, 2003

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EXHIBIT A

Land in Davidson County, Tennessee, being Lot No. 3 on the Plan of Resubdivision of Lot 1, Trace Creek Center of Pasquo, as of record in Instrument No. *200002090013330*, Register's Office for said County, to which plan reference is made for a more complete description.

Being part of the same property conveyed to Kroger Limited Partnership, I, an Ohio Limited Partnership, by deed from Betty B. French, et al, of record in Book 10787, page 956, said Register's Office.

*200002090013330