PICK-UP

Davidson County DEEDWARR
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Fees:23.00 Taxes:2617.75
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Prepared by and return to:
Eric B. Marks, Esquire
Akerman, Senterfitt & Eidson, P.A.
255 South Orange Avenue
Orlando, Florida 32801

TENNESSEE
Davidson County

SPECIAL WARRANTY DEED

FROM: **SHONEY'S, INC**, Grantor

TO: **JKD INVESTMENTS, LLC**, Grantee

Address New Owner as follows:	Name and Address of the Person or Entity Responsible for the Payment of Real Property Taxes:	Map/Parcel Number:
JKD Investments LLC 81 Franklin Street Nashville, Tennessee 37210	Same	Map 107-01 Parcel 015

OATH OF VALUE

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $707,500.00.

By: _____
Print Name: Andrew L Schwarz
Title: Director of Real Estate Law; Asst. Secretary

Subscribed and sworn to before me this 21st day of December, 2001.

_____
Notary Public

My commission expires: 11-26-05

PAMELA NOTARY PUBLIC AT LARGE DAVIDSON CO.

THIS SPECIAL WARRANTY DEED, dated as of the 31st day of December, 2001, by **SHONEY'S, INC.**, a Tennessee corporation, having an address at 1727 Elm Hill Pike, Nashville, Tennessee 37210, hereinafter called the Grantor, to **JKD INVESTMENTS, LLC**, a Tennessee limited liability company, having an address at 81 Franklin Street, Nashville, Tennessee 37210, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND NO/100 Dollars ($10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain real property (the "Property") situate in Davidson County, Tennessee, more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with the Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING MATTERS:

1. **Taxes and assessments (both general and special) for the year 2002 and subsequent years, which are not yet due and payable.**

2. **All matters shown on the plat of record in Book 4595, page 165, Register's Office for Davidson County, Tennessee.**

3. **All matters shown on the as-built survey of the Property prepared for Grantee by Volunteer Surveying, Nashville, Tennessee, Phillip E. Holmes, Jr., R.L.S., No. 1728, dated November 19, 2001, File No. 01196.**

4. **All applicable building and zoning ordinances, and all applicable regulations and restrictions imposed by governmental authorities.**

GRANTOR MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE EXACT AMOUNT OF ACREAGE OR SQUARE FOOTAGE IN THE PROPERTY, OR AS TO THE OWNERSHIP OF THE MINERALS LOCATED ON, UNDER OR WITHIN THE PROPERTY. GRANTOR MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONDITION OF THE PROPERTY CONVEYED HEREBY, INCLUDING IMPROVEMENTS LOCATED THEREON, INCLUDING, WITHOUT LIMITATION, THE HABITABILITY, CONDITION OR FITNESS THEREOF FOR ANY PARTICULAR USE OR PURPOSE. GRANTEE AGREES THAT THE PROPERTY CONVEYED HEREBY, INCLUDING IMPROVEMENTS LOCATED THEREON, IS CONVEYED BY GRANTOR AND ACCEPTED BY GRANTEE IN AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" CONDITION.

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be executed as of the date first above set forth.

SHONEY'S, INC., a Tennessee corporation

By: _____
Print Name: Andrew L Schwartz
Its: Director of Real Estate Law/Asst Sec

STATE OF TENNESSEE:

COUNTY OF DAVIDSON:

Before me, the undersigned, a Notary Public at Large within said County and State, personally appeared Andrew L. Schwartz to me known (or proved to me on the basis of satisfactory evidence), to be the persons described in and who executed the foregoing instrument, and who, upon oath, acknowledged and affirmed he is the Director of Real Estate Law Asst. Secretary of Shoney's, Inc., a Tennessee corporation, and that said instrument was signed and sealed on behalf of Shoney's, Inc., by authority of its Board of Directors and said Director of Real Estate Law Asst. Secretary executed the same for the purposes therein contained and acknowledged said instrument to be the free act and deed of said entity.

Witness my hand and seal, at office in Nashville, Tennessee, this 21st day of December, 2001.

[seal] PAMELA TIDWELL NOTARY PUBLIC DAVIDSON COUNTY, TENNESSEE

_____
Notary Public, State of Tennessee
Pamela Tidwell
Print, type or stamp name of Notary Public
My commission expires 11-26-05

EXHIBIT "A"

Land in the 3rd Civil District of Nashville, Davidson County, Tennessee, and being shown as Lot No. 46 on the Plan of Metropolitan Industrial Park, Section 38, a plat of which is recorded in Book 4595, Page 165, Register's Office for Davidson County, Tennessee, and more particularly described as:

Beginning at a concrete monument on the northerly margin of Elm Hill Pike at the east end of the return radius of Elm Tree Drive; thence westerly around a curve to the right with a radius of 50 feet; a central angle of 95° 18′, a distance of 83.17 feet to a concrete monument in the easterly margin of Elm Tree Drive; thence with the easterly margin of Elm Tree Drive along a curve to the right having a central angle of 15° 00′ and a radius of 473.08 feet, a distance of 123.81 feet to a concrete monument; thence continuing along said easterly margin North 11° 00′ West 212.82 feet to a concrete monument; thence North 79° 00′ East 182.43 feet to a concrete monument; thence South 51° 32′ East 271.62 feet to a concrete monument in the northerly margin of the Elm Hill Pike; thence with the northerly margin of Elm Hill Pike along a curve concave southwesterly having a radius of 914.93 feet and a central angle of 20° 14′ 14″, a distance of 323.16 feet to the point of beginning, containing 2.14 acres, more or less.

Less and except from the foregoing property description any part thereof taken or used for rights of way for public streets or roads.

Being the same property conveyed to Shoney's, Inc., a Tennessee corporation by deed of record in Book 5253, Page 271, in the Office of the Register of Deeds for Davidson County, Tennessee. A deed to correct the legal description of said deed is recorded in Book 5274, Page 767, Register's Office for said County.