Davidson County DEEDWARR
Recvd: 01/09/02 09:11 2pgs
Fees:13.00 Taxes:338.83
20020109-0003214

PICK-UP

This Instrument Prepared By:
John A. Beam, III
Beam, Miller & Rogers, PLLC
1332 Eighth Avenue North
P.O. Box 280240
Nashville, TN 37228

NEW OWNER	SEND TAX BILL	MAP-PARCEL NO.
Shelby M. Smith 3809 Brighton Road Nashville, TN 37205-2529	SAME	Map 58-9-0-A Parcels 20, 21, and 23

WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, and the further consideration of a 1031 Exchange of real property, **EATON'S CREEK REAL ESTATE INVESTORS FUND, LLC**, A Tennessee limited liability company, being one and the same as Eaton's Creek Park Real Estate Investors Fund, LLC ("Grantor"), has bargained and sold, and by these presents does transfer and convey to **SHELBY M. SMITH** ("Grantee"), his successors and assigns, certain real estate (the "Property") in Davidson County, Tennessee, described as follows:

> Land in Davidson County, Tennessee, being Lot Nos. 20, 21, and 23 on the Plan of Creekside Trails, Phase I, of record in Plan 20001026-0106269, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.
>
> Being a portion of the property conveyed to Eaton's Creek Real Estate investors Fund, LLC by deed from Affordable Housing Resources, Inc. of record in Book 10996, page 941, Register's Office for Davidson County, Tennessee.

A new legal description was not prepared for this transaction. The legal description is the same as the previous deed of record.

TO HAVE AND HOLD said tracts or parcels of land, with the appurtenances, estate, title and interest thereto belonging to the Grantee, his heirs, successors and assigns, forever.

The Grantor covenants with the Grantee that Grantor is lawfully seized and possessed of the said Property in fee simple; that Grantor has a good right to convey the Property; and that the Property is unencumbered, except as follows:

(1) 2002 Davidson County Taxes.

(2) Stormwater Detention Agreement of record as Instrument Number 20001011-0100954, said Register's Office.

(3) Restrictions of record as Instrument Number 20000915-0092002, said Register's Office NOR-94-21787.

(4) Subject to matters shown on Plan of record as Instrument Number 20000126-0106269, said Register's Office.

(5) Subject to matters shown on Plan of record as Instrument Number 20000426-0041282, said Register's Office.

(6) Matters shown on survey dated April 5, 2000, of Jeffrey K. Kimbro, Thornton & Associates, 1615 Haynes Meade Circle, Nashville, Tennessee, R.L.S. No. 1756.

(7) Rights of tenants in possession under unrecorded lease(s).

(8) Easement(s) for Water Mains and Appurtenances, as set forth in instrument recorded in Book 6255, page 578, said Register's Office.

(9) Sanitary Sewers and/or Storm Drainage Easement(s) as set forth in instrument recorded in Book 8326, page 230, said Register's Office.

(10) Easement for the flow of Eaton's Creek and branch.

(11) Temporary construction easements as set forth in Consent Judgment and Final Decree under Circuit Court Docket No. 90C-3345.

(12) Rights of others in and to the common areas and elements.

(13) Lien for special assessments as set forth in said restrictions.

This is unimproved property commonly known as Lots 20, 21, and 23 on the Plan of Creekside Trails, Phase I, Nashville, Tennessee.

The Grantor further covenants to warrant and forever defend the title to the Property to the Grantee, his successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 7th day of January, 2002.

EATON'S CREEK REAL ESTATE
INVESTORS FUND, LLC
a Tennessee limited liability company

By: _____
John A. Beam, III, Chief Manager

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, a Notary Public, of the said county and state, John A. Beam, III, with whom I am personally acquainted and who, upon oath, acknowledged himself to be Chief Manager of Eaton's Creek Real Estate Investors Fund, LLC, the within named bargainor, a limited liability company, and that he as such Chief Manager, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as Chief Manager.

Witness my hand and seal this 7th day of January, 2002.

_____
Notary Public

My Commission Expires: 1/31/04

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $ 91,575.00

_____
Affiant

Sworn to and subscribed before me this 7th day of January, 2002.

_____
Notary Public

My Commission Expires: 1/31/04