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This instrument prepared by:
Rulon D. Munns, Esquire
Bogin, Munns & Munns
P.O. Box 2807
Orlando, Florida 32802

Return to:
Joseph Pitt, Esquire
Chicago Title Insurance Company
414 Union Street, Suite 1800
Nashville, Tennessee 37219

Albertson's # 4726
Edmonson Pike & Old Hickory Blvd.
Nashville, Tennessee

Davidson County DEEDWARR
Recvd: 01/16/02 15:45 4pgs
Fees:22.25 Taxes:4081.85
20020116-0006761

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into this 15th day of January, 2002, by and between **Albertson's, Inc.**, a Delaware corporation, of the County of Ada and the State of Idaho ("Grantor") and **Sudco Investments [Nashville], LLC**, a Tennessee limited liability company, of the County of Maricopa and the State of Arizona ("Grantee").

WITNESSETH: That for and in consideration of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, Grantor has bargained and sold and hereby bargains, sells, conveys and confirms unto Grantee the following described real estate, situated and being in the County of Davidson, State of Tennessee:

> All that certain real property described on Exhibit "A" attached hereto and incorporated herein by this reference, subject to the matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in anywise appertaining unto Grantee, its heirs, successors and assigns in fee simple forever.

Grantor hereby covenants with Grantee that it is lawfully seized in fee of the aforedescribed real estate; that Grantor has a good right to sell and convey the same; that the title thereto it will warrant and forever defend against the lawful claims of all persons by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by and through its duly authorized officer the day and year first above written.

WITNESSES:

Irina Wiese

Printed Name: IRINA WIESE

Ruth Thayer

Printed Name: RUTH THAYER

GRANTOR: BMM

ALBERTSON'S, INC., a Delaware corporation

By: _____
William H. Arnold
Group Vice President, Real Estate Law

STATE OF IDAHO
COUNTY OF ADA

Before me, a Notary Public in and for said State and County, personally appeared William H. Arnold as Group Vice President, Real Estate Law of **Albertson's, Inc.**, a Delaware corporation, with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person(s)) and who, upon oath, acknowledged himself to be the Group Vice President, Real Estate Law of **Albertson's, Inc.**, the within named bargainor, a Delaware corporation, and that he as such Group Vice President, Real Estate Law, executed the foregoing instrument for the purposes therein contained by subscribing the name of the corporation, by himself as Group Vice President.

Witness my hand and seal at office in _____ this 8th day of January, 2002.

TRINA WIESE NOTARY PUBLIC STATE OF IDAHO

Trina Wiese
Notary Public
My commission expires: January 28, 2004.

STATE OF IDAHO
COUNTY OF ADA

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 One Million One Hundred Three Thousand Two Hundred Two and No/100 Dollars ($1,103,202.00) which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this 15TH day of January, 2002.

Notary Public

My commission expires: 1-26-05

IVA J. PARKER NOTARY PUBLIC AT LARGE CHEATHAM COUNTY, TENN.

Property Address: Edmondson Pike & Old Hickory Blvd.
Nashville, Tennessee

Address of Owner and Mail tax bills to:

Sudco Investments [Nashville], LLC
c/o Elliott Sud
P.O. Box 4218
Scottsdale, Arizona 85261

Tax I.D. No.

State Tax	$4,081.10
Register's Fee	23.00
Recording Fee	—
Total	$4,104.10

List of Exhibits:
Exhibit "A" - Legal Description of Real Property
Exhibit "B" - Title Exceptions

EXHIBIT "A" TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION OF REAL PROPERTY

A parcel of land in Davidson County, City of Nashville, Tennessee, being Lot 3 as shown on the Resubdivision of Lot 1, Food Max Shopping Center, of record as Instrument No. 20020108-0002613.

Deed Reference:

Book 11124
Page 609

EXHIBIT "B" TO SPECIAL WARRANTY DEED
TITLE EXCEPTIONS

1. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Covenants, dated December 30, 1993 and recorded in Book *9251,* Page 118, Register's Office of Davidson County, Tennessee.

2. The rights of upper and lower riparian owners to the free and unobstructed flow of the water of Seven Mile Creek River without diminution or pollution.

3. Easements in favor of the United States of America recorded in Book 1149, Page *569,* Book 1153, Page *375* and Book 2438, Page 384, Register's Office of Davidson County, Tennessee.

4. Agreement for Dedication of Easement for Sanitary Sewers, Storm Drainage, Water Mains and Appurtenances, recorded in Book 7066, Page 411, Register's Office of Davidson County, Tennessee.

5. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage, recorded in Book 7322, Page 347, Register's Office of Davidson County, Tennessee.

6. Agreement for Dedication of Easement for Water Mains and Appurtenances, recorded in Book 8131, Page 836, Register's Office of Davidson County, Tennessee.

7. Permanent easement for construction and maintenance of a drainage facility conveyed by Bruno's, Inc. and its subsidiary, Food Max of Tennessee, Inc., to the State of Tennessee, recorded in Book 7984, Page 949, Register's Office of Davidson County, Tennessee.

8. Easement Agreement, dated February 18, 1999 by McDonald's Corporation, a Delaware corporation, and Albertson's, Inc., a Delaware corporation, recorded in Book 11434, Page 486, Register's Office of Davidson County, Tennessee.

9. All easements, restrictions and dedications as shown on the P.U.D. Boundary Plat & Subdivision Plat for the Resubdivision of Lot 1 Food Max Shopping Center, recorded as Instrument No. 20020108-0002613, Register's Office of Davidson County, Tennessee.

10. All terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Restrictions, Grant of Easements and Common Area Maintenance Agreement, recorded simultaneously herewith, Register's Office of Davidson County, Tennessee.

11. Taxes and assessments for the year 2002 and subsequent years, which are not yet due and payable.

12. Rights of tenants in possession.