41
WW

Davidson County DEEDWARR
Recvd: 05/02/02 16:16 7pgs
Fees:38.00 Taxes:1590.54
20020502-0054433

# WARRANTY DEED

FROM: Margaret Cates,
James W. Cates, Jr.
and William D. Cates, Grantors

TO: M. Carl Talley,
Lisa T. Wheeler and
Lisa T. Wheeler, as Trustee of the
Jesse L. Talley 2001 Trust, Grantees

This instrument was prepared by:
Warren H. Wild, Jr.
Stites & Harbison
Suite 1800, SunTrust Center
Nashville, Tennessee 37219

| Address New Owner as Follows: | Name and Address of the Person or Entity Responsible for the Payment of Real Property Taxes: | Map-Parcel Numbers: |
|---|---|---|
| 4020 Lealand Lane<br>Nashville, TN ~~37024~~ 37204 | Same | Map 118-6 Parcel 94 |

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The actual consideration or valuc, whichever is greater, for this transfer is Four Hundred Twenty Nine Thousand Eight Hundred Seventy Seven and No/100 Dollars ($429,877.00).

M. Carl Talley
Affiant

SUBSCRIBED AND SWORN TO before me, this the 2nd day of May, 2002.

Deborah A. Hughes
Notary Public

NOTARY PUBLIC DAVIDSON COUNTY TENNESSEE

My Commission Expires: 5/28/03

FOR AND IN CONSIDERATION OF. the sum of Four Hundred Twenty Nine Thousand Eight Hundred Seventy Seven and No/100 Dollars ($429,877.00), the receipt and sufficiency of which are hereby acknowledged, Margaret Cates, as to an undivided twelve percent (12%) interest, and James W. Cates, Jr. and William D. Cates, each as to an undivided nine and one-half percent (9-1/2%) interest, all as tenants in common (the total conveyance of all Grantors herein being a thirty-one percent (31%) undivided interest as tenants in common) (each a "Grantor" and collectively, "Grantors"), have each bargained and sold, and by these presents each does transfer, convey and assign unto M. Carl Talley as to an eleven/thirty firsts (11/31) undivided interest in the interests of Sellers herein conveyed, Lisa T. Wheeler as to a ten/thirty firsts (10/31) undivided interest in the interests of Sellers herein conveyed and Lisa T. Wheeler, as Trustee of

the Jesse L. Talley 2001 Trust, as to a ten/thirty firsts (10/31) undivided interest in the interests of Sellers herein conveyed (collectively, "Grantees"), their respective heirs, successors and assigns, all of their respective undivided interests (as set forth above) in and to certain tracts or parcels of land in Davidson County, State of Tennessee, all improvements and other property located thereon (except for personalty owned by Tenants), and all leases of any part thereof (together collectively, the "Property"); such tracts or parcels of land being described as follows, to wit:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

This is improved property known as 2711 Franklin Pike in Nashville, Tennessee.

Following this conveyance, the ownership interests in the land described on Exhibit A, the improvements thereon and the leases thereof will be as follows: M. Carl Talley, as to an eighty percent (80%) undivided interest; Lisa T. Wheeler as to ten percent (10%) undivided interest; and Lisa T. Wheeler, as Trustee of the Jesse L. Talley 2001 Trust, as to a ten percent (10%) undivided interest.

This conveyance is expressly made subject to the matters listed on Exhibit B which is incorporated herein by reference.

TO HAVE AND TO HOLD their respective undivided interests in and to the Property, with the appurtenances, estate, title and interest thereto belonging to said Grantees, their heirs, successors and assigns, forever.

And each Grantor does covenant with Grantees that such Grantor is lawfully seized and possessed of such Grantor's undivided interests (as set forth above) in and to the Property in fee simple; has a good right to convey such interest; and the same is unencumbered and unrestricted except as to those matters set forth herein to which this conveyance is expressly made subject. Each Grantor specifically further warrants as to such Grantor's undivided interest that there is no deed of trust, mortgage or other lien on or security interest in such undivided interest in the Property granted by or claimed through or under such Grantor.

And each Grantor does further covenant and bind such Grantor, his or her heirs, successors and assigns, to warrant and forever defend the title to the Property to Grantees, their heirs, successors and assigns, against the lawful claims of all persons whomsoever except as to those matters set forth herein to which this conveyance is expressly made subject.

The property described on Exhibit A is not the usual place of residence of any of the Grantors.

This Warranty Deed is being delivered by Grantors pursuant to a Settlement Agreement and Release dated as of May 1, 2002, executed by Grantors and M. Carl Talley.

In Witness Whereof, this Warranty Deed has been executed as of May 1, 2002.

Margaret Cates
Margaret Cates

James W. Cates Jr.
James W. Cates, Jr.

William D. Cates

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public of said County and State, Margaret Cates, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand, at Office, this 1st day of May, 2002.

Helen St. Germain
Notary Public

My Commission Expires: My Commission Expires MAY 29, 2005

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public of said County and State, James W. Cates, Jr., with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand, at Office, this 1st day of May, 2002.

Helen St. Germain
Notary Public

My Commission Expires: My Commission Expires MAY 29, 2005

STATE OF Alabama )
COUNTY OF Houston )

Personally appeared before me, the undersigned, a Notary Public of said County and State, William D. Cates, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand, at Office, this 29 day of April, 2002.

Gloria Nowell

MY COMMISSION EXPIRES APRIL 13, 2004 Notary Public

My Commission Expires:_____

This deed was prepared by Stites & Harbison, PLLC based upon information provided to us by Grantors and Grantee without independent verification by us as to the accuracy of any information contained herein, and we assume no liability as to the accuracy thereof.

## EXHIBIT A

TRACT I:

(Intentionally deleted)

TRACT II: (Meridien, C & T Investments/Gale Parcel #1 and vacant lots adjoining Meridien)

A tract of land lying in Metropolitan Nashville Davidson County, Tennessee, southwest of the intersection of Franklin Pike and Gale Lane and being more particularly described as follows:

Beginning on the northerly margin of new boulevard, where the southeasterly line of the right of way of the Tennessee Central Railroad crosses the same; thence with the southeasterly line of said right of way in a northeasterly direction 755 feet, more or less, to a point 30 feet measured at right angles from the westerly margin of the Franklin Pike, being the westerly line of the right of way of the Nashville and Franklin Interurban Railway; thence with the said right of way south 11° 26' east parallel with said Pike 485 feet, continuing with said right of way south 20° 38' west 130 feet to the northerly margin of said boulevard; thence with the northerly margin of said boulevard, south 84° west 458 feet, more or less, to the beginning, containing 3.36 acres.

INCLUDED IN TRACT II ABOVE, BUT EXPRESSLY EXCLUDED THEREFROM, IS THE FOLLOWING DESCRIBED PROPERTY:

Excluded Parcel A (C & T Investments/Gale Parcel #1):

Being a parcel of land lying in Davidson County, Tennessee, and being bounded on the east by Franklin Pike, on the south by Third National Bank, Trustee, on the west by Gale Lane and being more particularly described as follows:

Beginning at an iron pin at the intersection of the west right-of-way line of Franklin Pike and the east right-of-way line of Gale Lane; thence with the west right-of-way line of Gale Lane, South 14 degrees 47' 00" East, 330.20 feet to an iron pin corner common with Third National Bank, Trustee in the west right-of-way line of Franklin Pike; thence with Third National Bank, Trustee, South 73 degrees 36' 30" West, 205.03 feet to an iron pin; thence South 21 degrees 05' 34" West, 24.73 feet to an iron pin; thence South 78 degrees 16' 01" West, 89.25 feet to an iron pin corner common with Third National Bank, Trustee in the east right-of-way line of Gale Lane; thence with the east right-of-way line of Gale Lane, North 21 degrees 05' 34" East, 129.58 feet to an iron pin; thence on a curve to the right, the radius of which is 1298.57 feet, the central angle of which is 14 degrees 59' 23". the chord of which is North 28 degrees 35' 15" East, 338.76 feet, along the curve distance of 339.73 feet to the point of beginning, containing 55,975 square feet (1.285 acres, more or less) according to survey dated March 12, 1987, by Jerry Morrow, Registered Land Surveyor, Tennessee License No. 777.

Excluded Parcel A being the same property conveyed to C & T Investments/Gale Parcel #1 by deed from James W. Cates and M. Carl Talley of record in Book 7546, page 103, said Register's Office.

Excluded Parcel B:

Two tracts of land in Davidson County, Tennessee, being more particularly described as follows:

1. Beginning at a point in the westerly margin of 8th Avenue South (Franklin Pike) said point being in the southeasterly margin of the abandoned Tennessee Central Railroad Right of Way and at 128 feet south 14 degrees 47 minutes east of the southeast margin of Gale Lane; thence with the said margin of said Railroad Right of Way north 32 degrees 28 minutes east 9.5 feet with an offset in the westerly margin of said Franklin Pike; thence with said margin south 14 degrees 47 minutes east 227 feet; thence at right angles to the right (westerly) 7 feet; thence north 14 degrees 47 minutes west 220.5 feet to the point of beginning and containing 1566 square feet.

2. Beginning at a point in the westerly margin of 8th Avenue South (Franklin Pike) said point being 227 feet south 14 degrees 47 minutes east of the southeast margin of the abandoned Tennessee Central Right of Way; thence with the said margin of Franklin Pike south 14 degrees 47 minutes east 261 feet to the beginning of a curved line to the right; thence with said curved

line southwardly 246.2 feet to E.N. Kennon's northeast corner; thence Kennon's north boundary line and the north boundary of property of Grace Presbyterian Church south 78 degrees 25 m minutes west 281 feet; thence north 27 degrees 20 minutes east 280.8 feet; thence north 75 degrees 06 minutes east 50 feet; thence north 17 degrees 28 minutes east 111.2 feet; thence north 14 degrees 47 minutes west 197.0 feet; thence at right angles to the right (eastwardly 7 feet) to the point of beginning and containing 1.118 acres.

Excluded Parcel B being the same property vested in the State of Tennessee by virtue of a Final Consent Judgment, a certified copy o£ which appears of record in Book 4609, page 799, said Register's Office.

The above property description is the same as that which appears in the previous deed.

Grantors also quitclaim any interest they may have in and to any closed or abandoned rights of way, streets, roads or alleys, and any strips gaps or gores between the tracts described above. Grantors specifically exclude from this conveyance and from any warranties contained herein any portion of the above described property contained within the bounds of any rights of way (including rights, if any, held by others in the right of way of Interurban Railroad which at one time ran along the west side of Franklin Pike) roads, streets or highways.

Being part of the same property conveyed to James W. Cates, Jr. and William D. Cates, as to a nine and one-half percent (9-1/2% undivided interest each by deeds from Third National Bank in Nashville as Trustee under the Will of James W. Cates, Sr., of record in Book 8840, page 148, and Book 8840, page 160, both in said Register's Office; and to Margaret Cates as to a twelve percent (12%) undivided interest by deed from Third National Bank in Nashville as Trustee under the Will of James W. Cates, Sr., of record in Book 8840, page 154, in said Register's Office.

**EXHIBIT B**

1. The lien for 2002 taxes which are not yet due and payable, but which will be paid by Grantee.

2. All leases, easements, plats, restrictions and other matters affecting all or any part of the property to which both James W. Cates, Sr. and Mary Elizabeth Cates Talley were subject when title to the property passed to them outright under the Will of R. Morris Wilson, or which were executed and delivered by (a) either (i) James W. Cates, Sr. or Third National Bank in Nashville, as Trustee for James W. Cates, Sr. and (ii) either Mary Elizabeth Cates Talley or M. Carl Talley (same person as Melvin Carl Talley), or to which such people have consented or subordinated their interest in the property in writing; or (b) all of Grantors and Grantee, as lessor or landlord.

3. Any encroachments across the boundaries of any of the herein described property, or other matters that would be revealed by a survey or physical inspection of the property.