This Instrument Prepared By:

Brenda Franks Hale, Attorney
HALE AND HALE, PLC
312 First Tennessee Bank Building
Franklin, Tennessee 37064

| NEW OWNER: | SEND TAX BILL TO: | MAP & PARCEL |
|---|---|---|
| James B. Swearingen and wife, Martha J. Swearingen<br>404 Springer Court<br>Brentwood, TN 37027 | First Franklin Financial<br>2727 Paces Ferry Road<br>Suite 380<br>Atlanta, GA 30339 | 160-16-B<br>145.00 CO |

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

The actual consideration or value, whichever is greater, for this transfer is $360,000.00.

AFFIANT

Sworn to and subscribed before me
this 15th day of May, 2002.

NOTARY PUBLIC

My Commission Expires: 05/02/05

Davidson County DEEDWARR
Recvd: 05/24/02 13:49 2pgs
Fees:13.00 Taxes:1332.00
20020524-0063602

**WARRANTY DEED**

For and in consideration of the sum of Ten Dollars, cash in hand paid by the hereinafter named **GRANTEES**, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, **ENCORE CONSTRUCTION, INC.**, a **Tennessee corporation**, hereinafter called the **"GRANTOR"**, has bargained and sold and by these presents does transfer and convey unto **JAMES B. SWEARINGEN and wife, MARTHA J. SWEARINGEN**, hereinafter called the **"GRANTEES"**, their heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows, to-wit:

> Land in Davidson County, Tennessee, being Lot No. 102 on the Plan of Brentwood Chase, Revision One, Section Two, of record in Book 9700, pages 945 through 948, Register's Office for said County, to which plan reference is hereby made for a more complete description.
>
> Being part of the same property conveyed to Encore Construction, Inc., by warranty deed from Wilson Concord, L.P., of record in Instrument No. 20010629-0068838, Register's Office for Davidson County, Tennessee.

THIS IS THE SAME DESCRIPTION IN THE PREVIOUS DEED OF RECORD.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to said GRANTEES, their heirs and assigns, forever;

AND GRANTOR does covenant with the said GRANTEES that it is lawfully seized and possessed of said land in fee simple, has a good right to convey it and the same is unencumbered, except as follows:

1. Davidson County taxes for the year 2002 are a lien against said property, but are not yet due and payable. Said taxes have been prorated between the parties as of the date of this instrument, with GRANTOR paying its prorata part thereof to GRANTEES, who will be responsible for payment of said taxes when they become due and payable. Map and Parcel 160-16-B-145 CO.

2. All matters appearing on the Plan of Revision One, Section Two, Brentwood Chase, of record in Book 9700, pages 945, 946, 947 and 948, Register's Office for Davidson County, Tennessee.

3. Declaration of Brentwood Chase Community of record in Instrument No. 200005310053798; and amended in Instrument No. 200008310086366; and further amended in Instrument No. 20010614-0062687, Register's Office for Davidson County, Tennessee.

4. Amended and Restated Charter of Brentwood Chase Community Association of record in Instrument No. 20000524005184 2, said Register's Office.

5. Easement of record in Book 7902, page 389, Register's Office for Davidson County, Tennessee.

6. Easement of record in Book 8371, page 320, Register's Office for Davidson County, Tennessee.

7. Stormwater Detention Agreement of record in Book 11115, page 281; and Book 11115, page 286, said Register's Office.

AND 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 GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever.

This improved property is known as 404 Springer Court, Brentwood, Tennessee 37027.

WITNESS our hands this 15th day of May, 2002, in Franklin, Tennessee.

ENCORE CONSTRUCTION, INC.

By: _____
Justin C. Franks, President

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Justin C. Franks, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be President of Encore Construction, Inc., the within bargainor, a corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation, by himself as such President.

Witness my hand and seal, this 15th day of May, 2002.

_____
Notary Public

My commission expires: 12-15-04

LAURIE M. HOWARD NOTARY PUBLIC AT LARGE WILLIAMSON CO. TENN.