PREPARED BY (AND RETURN TO):

WILKINS & IVEY
Attorneys At Law

Woodmont Centre, Suite 100
104 Woodmont Blvd.
Nashville, TN 37205
Ph. (615) 298-3312 - Fax. 292-8746
E-mail: *main@wilkinsandivey.com*

W & I Ref: SK Title No: 43519

Dav. Co. File: Box 8

ADDRESS NEW OWNER:	**RESPONSIBLE FOR TAX PAYMENT:**
Walnut Drive Limited Partnership 326 Walnut Drive Nashville, Tennessee 37205	SAME

TAX MAP-PARCEL NUMBERS: 131-15-052

Davidson County DEEDWARR
Recvd: 07/02/02 10:59 3pgs
Fees:18.00 Taxes:1202.50
20020702-0079308

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of **$325,000.00** , cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Milton Ferebee Capps and wife, Vivian Frances Cooper-Capps**, hereinafter called the **Grantor**, has bargained and sold, and by these presents does hereby transfer and convey unto **Walnut Drive Limited Partnership** hereinafter called the **Grantee**, Grantee's 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. 24 on the Plan of Harpeth Acres, Section 7 of record in Book 2331, page 154, Register's Office for said County.

SAID Lot No. 24 fronts 134.5 feet on the northerly margin of Benton Smith Road and extends back 240 feet on the easterly line and 319.7 feet on the westerly lien to a dead line in the rear, measuring 155.5 feet thereon.

Being the same property conveyed to Milton Ferebee Capps and wife, Vivian Frances Cooper-Capps, by deed from Dan M. Roden and wife, Rosemary W. Roden of record in Book 8487, page 912, Register's Office for Davidson County, Tennessee.

Description Reference: The description is the same as that used in the last deed prior to this transaction.

This conveyance is subject to: Taxes for 2002, and subsequent years; The Plan, with Owner's Certificate, of record in Plat Book 2331 Page 154, said Register's Office, which Plan shows a 75 foot minimum building setback line from Benton Smith Road and a 10 foot easement for public utility purposes along the northerly rear and easterly side line(s).

This instrument is executed on behalf of Vivian Frances Cooper-Capps by Milton Ferebee Capps as Attorney in Fact pursuant to a Power of Attorney being recorded simultaneously herewith. The affidavit of said Attorney in Fact is attached as "Exhibit A' to this instrument and incorporated herein by reference.

This is improved property, known as: 4711 Benton Smith, Nashville, Tennessee 37215

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, Grantee's heirs or assigns, forever.

GRANTOR COVENANTS with the said Grantee that Grantor is lawfully seised and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out.

GRANTOR FURTHER COVENANTS and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS THE EXECUTION HEREOF this 14th day of June, 2002 .

Milton Ferebee Capps

Vivian Frances Cooper-Capps By: Milton Ferebee Capps, Atty-in-Fact

State of TENNESSEE
County of DAVIDSON

On this 14th day of June, 2002 , before me the undersigned authority, personally appeared **Milton Ferebee Capps** , to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged the execution as a free act and deed.

My Commission Expires:

CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN.

My Commission Expires 7/26/2003

Notary

State of TENNESSEE
County of DAVIDSON

AFFIDAVIT

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this transfer is: $325,000.00

Affiant

Sworn and subscribed before me this 14th day of June, 2002

My Commission Expires:

CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN.

My Commission Expires 7/26/2003

Notary Public

State of Tennessee
County of Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named , **Milton Ferebee Capps** with whom I am personally acquainted (or whose identity was proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument on behalf of **Vivian Frances Cooper-Capps** , as Attorney-in-Fact, as the free act and deed of the said Principal(s).

Witness my hand and official seal at Nashville, Tennessee, this 14th day of June, 2002

CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires:

My Commission
Expires 7/26/2003

EXHIBIT "A"
To
Warranty Deed

FROM: Milton Ferebee Capps and wife, Vivian Frances Cooper-Capps

TO: Walnut Drive Limited Partnership

State of Tennessee
County of Davidson

AFFIDAVIT

The undersigned Affiant, being first duly sworn, deposes and says as follows:

1. That the document to which this affidavit is exhibited is executed by the undersigned as attorney-in-fact for the principal(s) thereon shown.

2. That this execution is proper and within the scope of the power-of-attorney referenced in the instrument.

3. Pursuant to the provisions of *Tennessee Code Annotated,* Section 34-6-105(c), of the Uniform Durable Power of Attorney Act, the undersigned Affiant certifies that at the time of execution of said document the Affiant had no knowledge or notice of the termination of the power-of-attorney, either by revocation or by a principal's death, disability, or incapacity.

Further the Affiant Saith not.

Milton Ferebee Capps, Affiant

Sworn to and subscribed before me this

14th day of June, 2002

Notary Public

My Commission Expires:

CHRISTY WILKINS IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission
Expires 7/26/2003