Bk 44
52484

WARRANTY DEED

THIS INDENTURE, made and entered into on this 2nd day of July, 2002, by and between AMERICAN PROPERTIES COMPANY, L.P., a Tennessee limited partnership, party of the first part, and F&S INVESTMENTS PARTNERSHIP, a Tennessee general partnership, party of the second part,

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, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Nashville, County of Davidson, State of Tennessee, to-wit:

See Exhibit A attached hereto and made a part hereof.

Being the same property conveyed to Grantor hereby by Quit Claim Deed recorded in Book 10541, Page 388, Register's Office of Davidson County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except for (a) 2002 Davidson County taxes, not yet due and payable; (b) Taxes and/or assessments levied or assessed against the subject property pursuant to the provisions of T.C.A. 67-5--603, et. seq., which have not been assessed and are not payable as of the date of the Policy; (c) Subdivision restrictions, building lines and easements of record in Plat Book 7900, Page 440, as amended in Book 8250, page 216, in the Register's Office of Davidson County, Tennessee; (d) Deed restrictions of record in Book 9085, Page 840, in said Register's Office; (e) Declaration of Reciprocal Easements of record in Book 8745, Page 114, in said Register's Office; (f) Three (3) foot easement to Nashville Gas Company of record in Book 3464, Page 161, in said Register's Office; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

AMERICAN PROPERTIES COMPANY, L.P.

By: UNDERBERG PROPERTY MANAGEMENT, LLC

By: _____
Ronald P. Underberg
Chief Manager

Davidson County DEEDWARR
Recvd: 07/02/02 14:46 3pgs
Fees:18.00 Taxes:4625.00

20020702-0079587

STATE OF TENNESSEE
COUNTY OF SHELBY ss

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared Ronald P. Underberg, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Chief Manager of Underberg Property Management, LLC, a Tennessee limited liability company, general partner of American Properties Company, L.P., a Tennessee limited partnership, the within named bargainor, and that he as such Chief Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the limited partnership by himself as such Chief Manager.

WITNESS my hand and official seal this 2nd day of July, 2002.

Notary Public

ALLEN C. DUNSTAN NOTARY PUBLIC AT LARGE SHELBY COUNTY, TN MY COMM. EXP. FEB. 25, 2004

My commission expires:

PROPERTY ADDRESS:
560 Donelson Pike
Nashville, TN 37214

MAIL TAX NOTICES TO:
F&S Investments Partnership

THIS INSTRUMENT PREPARED BY AND RETURN TO:
ARMSTRONG ALLEN, PLLC
6060 Poplar Avenue, Suite 140
Memphis, Tennessee 38119

TG No. 460214
Tax Parcel I.D. No. 108-243

State Tax.....$_____
Register's Fee.....1.00
Recording Fee.....8.00
TOTAL.....$_____

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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 $1,250,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this 2nd day of July, 2002.

Notary Public

My commission expires: My Commission Expires 12/17/03

NOTARY PUBLIC AT LARGE SHELBY COUNTY, TENNESSEE

(FOR RECORDING DATA ONLY)

52984

EXHIBIT "A"
LEGAL DESCRIPTION

LAND lying in Davidson County, Tennessee, being more particularly described as follows:

Beginning at an iron rod situated in the intersection of the westerly margin of Donelson Pike with the northerly margin of Royal Parkway;

Thence, along the northerly margin of Royal Parkway, N 85 deg. 42 min. 00 sec. W, a distance of 160.13 feet to an iron rod;

Thence, leaving said road, N 04 deg. 36 min. 00 sec. E, a distance of 200.00 feet to an iron rod;

Thence, S 85 deg. 42 min. 00 sec. E, a distance of 181.35 feet to an iron rod situated in the westerly margin of Donelson Pike;

Thence, along said road, S 03 deg. 33 min. 19 sec. W, a distance of 175.13 feet to an iron rod;

Thence, along said road, along a curve to the right, having a central angle of 88 deg. 42 min. 01 sec., a radius of 25.00 feet, a tangent of 24.44 feet, a length of 38.70 feet, and having a chord which bears S 48 deg. 54 min. 40 sec. W, a distance of 34.95 feet to the point of beginning and containing 36,496.769 square feet or 0.838 acres of land more or less.

BEING the same property conveyed to American Properties Company, L.P., by Deed of Record in Deed Book 10541, page 388, Register's Office for Davidson County, Tennessee. Also being Lot 3 on the Plat entitled "A Resubdivision of Lot 2", W. B. Wiggins, Jr. Subdivision" of record in Plat Book 8250, page 216, Register's Office for Davidson County, Tennessee.