


STATE OF TENNESSEE
COUNTY OF WILLIAMSON

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $46,000.00

Ester Baldwin
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 2nd day of October 2002.

Notary Public

MY COMMISSION EXPIRES: 1/26/05

(AFFIX SEAL)

**THIS INSTRUMENT WAS PREPARED BY**
David W. Kious, Attorney at Law, Three Maryland Farms, Suite 150, Brentwood, TN 37027

**SPECIAL WARRANTY DEED**

| ADDRESS NEW OWNER(S) AS FOLLOWS: | SEND TAX BILLS TO: | MAP-PARCEL NUMBERS |
|---|---|---|
| Newmark Homes, L.P., a Texas Limited Partnership | Same | Map 160-16 |
| 318 Seaboard Lane, Suite 212 | (NAME) | Group B |
| Nashville, TN 37067 | (ADDRESS) | Parcel 36.00 |
| (CITY) (STATE) (ZIP) | (CITY) (STATE) (ZIP) | |

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid by the hereinafter named GRANTEE(S), and other good and valuable considerations, the receipt of which is hereby acknowledged, **WILSON CONCORD, L.P.**, having TOLL TN GP Corp., a Tennessee corporation as its sole general partner, hereinafter called the GRANTOR(S), has bargained and sold, and by these presents does transfer and convey unto **NEWMARK HOMES, L.P., a Texas limited partnership,** hereinafter called the GRANTEE(S), their heirs and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to-wit:

Land in Davidson County, Tennessee, being all of Lot 36, Revision One, Section One, Brentwood Chase, as shown by plat appearing of record in Plat Book 9700, page 936-941, of the Register's Office of Davidson County, Tennessee to which plat reference is hereby made for more complete details of said lot.

Being the same property conveyed to Wilson Concord, L.P., a Tennessee limited partnership by Special Warranty Deed of record in Book 10978, Page 644, of the Register's Office of Davidson County, Tennessee.

Subject to restrictive covenants of record in Instrument Number 200005310053798 and 200008310086366; Easement for water mains of record in Book 8371, Page 320; Amended and Restated Charter of the Brentwood Chase Community Association of record in Instrument Number 200005240051842; Easement for drainage facilities of record in Book 7902, Page 389; Storm Water Detention Agreement of record in Book 11115, Page 281 and Page 286 and any and all matters as shown on plat of record in Plat Book 9700, pages 936 through 941, of the Register's Office of Davidson County, Tennessee.

Unimproved ( X )
This is improved( ) property, known as Lot 36, Brentwood Chase, Brentwood, TN 37027
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

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(S), their heirs and assigns forever, and Grantor covenants with the said GRANTEE(S) 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, unless otherwise herein set out; and except for the current year property taxes which are being prorated between the parties and Grantee agreeing to pay said tax when due; and Grantor further covenants and binds itself, its successors and assigns, to warrant and forever defend the title to the said land to the said GRANTEE(S), their heirs and assigns, against the lawful claims of all persons claiming by and through it but no further or otherwise.

Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Davidson County DEEDWARR
Recvd: 11/12/02 09:11 2pgs
Fees:13.00 Taxes:170.20
20021112-0139511

Witness our hands this 2nd day of October , 2002.

**Wilson Concord L.P.,**
**TOLL TN GP Corp., a Tennessee**
**corporation as its sole general partner**

**By:** Bert Carrick

**Name: Bert Carrick**
**Title: Regional Manager**

STATE OF TENNESSEE)

:ss

COUNTY OF WILLIAMSON)

Before me, the undersigned Notary Public, personally appeared Bert Carrick, who is known to me or proved to me on the basis of satisfactory evidence, that he is the Regional Manager of TOLL TN GP Corp., a Tennessee corporation, which is the sole general partner for Wilson Concord, L.P., the within bargainor, and as such Regional Manager of the sole general partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as Regional Manager.

Witness my hand and official seal this 2nd day of October, 2002.

Carol T. Baker
Notary Public

My Commission Expires: 1/26/05

CAROL T. BAKER NOTARY PUBLIC AT LARGE CHEATHAM COUNTY, TENN.