Davidson County DEEDWARR
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Fees:23.00 Taxes:11100.00
20021126-0146357

This instrument prepared by:
Rulon D. Munns, Esquire
Bogin, Munns & Munns
P.O. Box 2807
Orlando, Florida 32802

Return to:
Commonwealth Land Title Company
Lawyer's Building
333 Gallatin Road South, Suite One
Madison, Tennessee 37115
Attn.: Denise Allis

Albertson's # 4726
Edmondson Pike & Old Hickory Blvd.
Nashville, Tennessee

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into this 28th day of October, 2002, by and between **Albertson's, Inc.**, a Delaware corporation, of the County of Ada and the State of Idaho ("Grantor") and **Wal-Mart Real Estate Business Trust**, a Delaware business trust, of the County of Benton and the State of Arkansas ("Grantee").

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, Grantor has bargained and sold and hereby bargains, sells, conveys and confirms unto Grantee the following described real estate, situated and being in the County of Davidson, State of Tennessee:

> All that certain real property described on Exhibit "A" attached hereto and incorporated herein by this reference, subject to all permitted encumbrances set forth on Exhibit "B" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the aforedescribed real estate together with all the appurtenances and hereditaments thereunto belonging or in anywise appertaining unto Grantee, its heirs, successors and assigns in fee simple forever.

Grantor hereby covenants with Grantee that it is lawfully seized in fee of the aforedescribed real estate; that Grantor has a good right to sell and convey the same; that the title thereto it will warrant and forever defend against the lawful claims of all persons by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by and through its duly authorized officer the day and year first above written.

WITNESSES:

Trina Wiese

Printed Name: Trina Wiese

Rebecca Nichols

Printed Name: Rebecca Nichols

GRANTOR: BMM

ALBERTSON'S, INC., a Delaware corporation

By: William H. Arnold

William H. Arnold
Group Vice President, Real Estate Law

STATE OF IDAHO
COUNTY OF ADA

Before me, a Notary Public in and for said State and County, personally appeared William H. Arnold as Group Vice President, Real Estate Law of **Albertson's, Inc.**, a Delaware corporation, with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person(s)) and who, upon oath, acknowledged himself to be the Group Vice President, Real Estate Law of **Albertson's, Inc.**, the within named bargainor, a Delaware corporation, and that he as such Group Vice President, Real Estate Law, executed the foregoing instrument for the purposes therein contained by subscribing the name of the corporation, by himself as Group Vice President.

Witness my hand and seal at office in Boise, Idaho this 28th day of October, 2002.

TRINA WIESE NOTARY PUBLIC STATE OF IDAHO

Trina Wiese
Notary Public
My commission expires: January 28, 2004.

STATE OF ~~IDAHO~~ Tennessee
COUNTY OF ~~ADA~~ Davidson

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 Three Million and No/100 Dollars ($3,000,000.00) which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Linda Watson
Affiant

Subscribed and sworn to before me this 21st day of ~~October,~~ November 2002.

Denise C. Allen
Notary Public

My commission expires: 5/30/2004

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENNESSEE

Property Address: **5527 Edmondson Pike**
Nashville, Tennessee

Address of Owner:

Wal-Mart Real Estate Business Trust
2001 S.E. 10th Street
Bentonville, Arkansas 72716-0550

Mail tax bills to:

Wal-Mart Real Estate Business Trust
Property Tax Department, #8013
Ref. Store #5119
1301 S.E. 10th Street
Bentonville, Arkansas 72716-0555
Tax I.D. No. _____

Map 161, P/O Parcel 32

State Tax _____
Register's Fee _____
Recording Fee _____
Total $_____

List of Exhibits:
Exhibit "A" - Legal Description of Real Property
Exhibit "B" - Permitted Encumbrances

EXHIBIT "A" TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION OF REAL PROPERTY

A parcel of land in Davidson County, City of Nashville, Tennessee, being Lot 1 as shown on the Resubdivision of Lot 1, Food Max Shopping Center, of record as Instrument Number 20020108-0002613.

And being more particularly described as per the survey of Gresham Smith and Partners, John M. Duffer R.L.S., No. 1431, as follows:

Beginning in the westerly right-of-way of Edmonson Pike at a Northeasterly corner of Lot 2 on the Plat of Food Max Shopping Center of record in Plat Book 7900, Page 127, R.O.D.C. Thence with said Lot 2 as follows:

North 81° 48' 00" West, 103.11 feet; South 38° 18' 55" West 184.97 feet to the Northerly line of Lot 2 on the Final Plat of OH&E Business Park of record in Plat Book 9700, Page 703, R.O.D.C.; thence with said northerly line North 81° 47' 22" West, 137.61 feet to a southeasterly corner of Lot 3 on the Plat of Resubdivision of Lot 1 Food Max Shopping Center of record as Instrument Number 20020108-0002613, R.O.D.C.; thence with said Lot 3 as follows: North 08° 56' 15" East, 71.45 feet; North 51° 52' 00" West, 124.37 feet; South 38° 05' 24" West, 3.76 feet; North 51° 54' 30" West, 283.33 feet; South 63° 09' 38" West, 165.41 feet to a southeasterly corner of Lot 53 on the Final Plat of Section Two Brentwood Meadows of Record in Plat Book 5200, Page 782, R.O.D.C; thence with the easterly line of said Section Two North 05° 39' 48" East, 501.70 feet to an iron rod at a southwesterly corner of William Campbell et ux. Scarlet Campbell of record as Instrument Number 20000706-066756, R.O.D.C.; thence with the southerly boundary of said Campbell property as follows: South 65° 43' 55" East, 462.73 feet to an iron rod; South 51° 04' 14" East, 159.69 feet; South 51° 41' 05" East, 246.83 feet to the westerly right-of-way of Edmonson Pike; thence with said right-of-way as follows: South 09° 24' 35" East, 91.25 feet to an iron rod; South 04° 50' 04" East, 99.75 feet to the beginning.

Being part of the same property conveyed to Albertson's, Inc., a Delaware corporation, by deed from Bruno's, Inc., an Alabama corporation, of record in Book 11124, Page 609, Register's Office of Davidson County, Tennessee.

EXHIBIT "B" TO SPECIAL WARRANTY DEED

PERMITTED ENCUMBRANCES

1. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Covenants, dated December 30, 1993 and recorded in Book 9251, Page 118, Register's Office of Davidson County, Tennessee.

2. The rights of upper and lower riparian owners to the free and unobstructed flow of the water of Seven Mile Creek River without diminution or pollution.

3. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drains, recorded in Book 6489, Page 349, Register's Office of Davidson County, Tennessee.

4. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drains, recorded in Book 6218, Page 56, Register's Office of Davidson County, Tennessee.

5. Easements in favor of the United States of America recorded in Book 1149, Page 569, Book 1153, Page 375 and Book 2438, Page 384, Register's Office of Davidson County, Tennessee.

6. Agreement for Dedication of Easement for Sanitary Sewers, Storm Drainage, Water Mains and Appurtenances, recorded in Book 7066, Page 411, Register's Office of Davidson County, Tennessee.

7. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage, recorded in Book 7322, Page 347, Register's Office of Davidson County, Tennessee.

8. Storm Water Detention Agreement, recorded in Book 8076, Page 662, Register's Office of Davidson County, Tennessee.

9. Easement Agreement, dated February 18, 1999 by McDonald's Corporation, a Delaware corporation, and Albertson's, Inc., a Delaware corporation, recorded in Book 11434, Page 486, Register's Office of Davidson County, Tennessee.

10. All easements, restrictions and dedications as shown on the plat of P.U.D. Boundary Plat & Subdivision Plat for the Resubdivision of Lot 1 Food Max Shopping Center, dated October 12, 2001 and of record as Instrument No. 20020108-0002613, Register's Office of Davidson County, Tennessee.

11. All terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Declaration of Restrictions, Grant of Easements and Common Area Maintenance Agreement, of record as Instrument No. 20020116-0006812, Register's Office of Davidson County, Tennessee.

12. Taxes and assessments for the year 2003 and subsequent years, which are not yet due and payable.