File 35
CTIC

Davidson County DEEDWARR
Recvd: 12/20/02 16:28 5pgs
Fees:28.00 Taxes:62807.50
20021220-0157848

THIS INSTRUMENT WAS PREPARED BY AND UPON RECORDING RETURN TO:

Alston & Bird
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Attention: Albert E. Bender, Jr.

Responsible Taxpayer / Property Owner:
Lexington Owners LLC
2700 Cumberland Parkway – Suite 310
Atlanta, GA 30339

MAP 128-4-A
PARCEL 8.CO

LIMITED WARRANTY DEED

THIS INDENTURE, made as of December 20, 2002, between **THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,** a New Jersey corporation (herein called "Grantor"), and **LEXINGTON OWNERS LLC,** a Delaware limited liability company (herein called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining unto the Grantee, forever, **IN FEE SIMPLE.**

This Deed and the warranty of title contained herein are made expressly subject to the items set forth on Exhibit B attached hereto and made a part hereof.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

Grantee, by its acceptance hereof, does hereby assume and agree to pay all ad valorem taxes pertaining to the Real Property for the calendar year 2002 and subsequent years, there having been a proper proration of same between Grantor and Grantee.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation

By: James L. Street
Name: James L. Street
Title: Vice President

AFFIDAVIT OF CONSIDERATION

I hereby swear or affirm that the actual consideration or true value of this transfer, whichever is greater, is Sixteen Million Nine Hundred Seventy Five Thousand and No/100 Dollars ($16,975,000.00).

James L. Street
AFFIANT: James L. Street, Vice President, The Prudential Insurance Company of America, a New Jersey corporation

Sworn to and subscribed before me on December 19th, 2002

Rebecca W. McCreary
NOTARY PUBLIC
My Commission Expires: 1-31-2006

REBECCA W. McCREARY NOTARY PUBLIC GWINNETT COUNTY, GA MY COMMISSION EXPIRES JAN. 31 2006

ACKNOWLEDGMENT

STATE OF GEORGIA)
) SS:
COUNTY OF DEKALB)

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared James L. Street, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Vice President of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation, on behalf of said corporation as the Vice President thereof, and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as such officer.

WITNESS my hand, at office in DeKalb County, Georgia, this 19th day of December, 2002.

Rebecca W. McCreary
Notary Public, State of Georgia
Printed Name Rebecca W. McCreary
My Commission Expires: 1-31-2006

(Notarial Seal)



EXHIBIT A

LEGAL DESCRIPTION

Tax Parcel identification number:
MAP 128-4-A
PARCEL 8.CO

A tract of land in the 2nd Civil District of Metropolitan Nashville, Davidson County, Tennessee, being Lot 1 on the plan of Final Plat Phase One The Lexington, of record in Book 7900, page 895, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.

Being the same property conveyed to The Prudential Insurance Company of America, a New Jersey Corporation, of record in Book 10181, page 938, and re-recorded in Book 10186, page 464, Register's Office of Davidson County, Tennessee.

EXHIBIT B

PERMITTED TITLE EXCEPTIONS

1. Real Estate Ad Valorem Taxes for the year 2002 and subsequent years, not yet due and payable.

2. All other matters of record recorded or filed in the applicable records of Davidson County, Tennessee with respect to the real property conveyed hereby.

3. Rights of tenants (and subtenants) and/or lessees (and sublessees) in possession under any recorded or unrecorded leases or rental agreements.