FILE BOX 57

Davidson County DEEDWARR
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20030110-0004711

THIS INSTRUMENT PREPARED BY:
Hugh W. Entrekin
TUNE, ENTREKIN & WHITE, P.C.
21st Floor, AmSouth Center
315 Deaderick Street
Nashville, Tennessee 37238
615) 244-2770

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)
The actual consideration or value, whichever is greater for this transfer is $387,818.74

AFFIANT

Subscribed and sworn to before me, this 9th day of January, 2003.

NOTARY PUBLIC

My Commission Expires AT LARGE 7/30/05

My Commission Expires JULY 30, 2005

Address New Owners as Follows:
Beazer Homes Corp.
d/b/a Phillips Builders
2910 Kraft Drive
Nashville, TN 37204

Send Tax Bills To:
SAME

Map Parcel Number:
Map 64-16
Portion or Parcel 25

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid by the hereinafter named Grantee, and other good and valuable considerations, the receipt of which is hereby acknowledged,

Gilbert S. Merritt, Jr. ("Grantor") does hereby bargain, sell, transfer and convey unto **Beazer Homes Corp. d/b/a Phillips Builders**, a Tennessee corporation ("Grantee") its successors and assigns, property located in Nashville Davidson County, Tennessee and more particularly described as follows:

See Attached Exhibit A

Being a portion of the property conveyed to Gilbert S. Merritt and wife Angie Cantrell Merritt by deed from Leonard L. Clark and wife Jesse P. Clark of record in Book 1302, page 218, Register's Office for Davidson County, Tennessee, said property being solely vested in Gilbert S. Merritt by deed of record in Book 1813, page 215, said Register's Office. The said Gilbert S. Merritt having since died intestate in 1955 leaving his interest to his sole heirs, his son Gilbert S. Merritt, Jr. and a dower interest to his wife Angie Cantrell Merritt. Angie Cantrell Merritt having since died vesting title solely in Gilbert S. Merritt, Jr.

This conveyance is subject to matters shown on Exhibit B attached hereto.

TO HAVE AND TO HOLD said tract or parcel of land with the appurtenances, estate, title and interest thereto belonging to the said Beazer Homes Corp. d/b/a Phillips Builders, its successors and assigns, forever.

my Commission Expires Sept. 24, 2005

STATE OF LA DAVIDSON

AND Gilbert S. Merritt,Jr. does hereby covenant with the said Beazer Homes Corp. d/b/a Phillips Builders that he is lawfully seized and possessed of said land in fee simple, has a good right to convey it and that the same is unencumbered, except as otherwise provided herein.

AND Gilbert S. Merritt, Jr. does further covenant and bind himself,, his heirs, representatives and assigns to warrant and forever defend the title to said land to the said Beazer Homes Corp. d/b/a Phillips Builders, its successors and assigns against the lawful claims of all persons whomsoever.

Robin Saxon Merritt, wife of Gilbert S. Merritt, Jr. joins in this conveyance for the sole purpose of quitclaiming any and all interest she may have in the subject property.

IN WITNESS WHEREOF, this Warranty Deed has been executed this 8th day of January, 2003.

Gilbert S. Merritt a/k/a Gilbert S. Merritt, Jr.

Robin Saxon Merritt

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 Gilbert S. Merritt (a/k/a Gilbert S. Merritt, Jr.), the bargainor , with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, on this 8th day of January, 2003.

NOTARY PUBLIC

My commission expires: My Commission Expires Sept. 24, 2005

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 Robin Saxon Merritt, the bargainor , with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tn, on this 8th day of January, 2003.

NOTARY PUBLIC

My commission expires: _____

My Commission Expires Sept. 24, 2005

Prepared By: **Anderson-Delk & Associates, Inc.**
618 Grassmere Park Drive, Suite 4
Nashville, Tennessee 37211

Property Description
Portion of Gilbert S. Merritt et ux Property

Being an 11.167 more or less acre tract of land lying in the 11th Councilmanic District of Davidson County, Tennessee, and being a portion of the property conveyed to Gilbert S. Merritt et ux as evidenced by deed of record in Deed Book 1298, page 656, Register's Office Davidson County, Tennessee, and a portion of the property conveyed to Gilbert S. Merritt et ux as evidenced by deed of record in Deed Book 1302, page 218, Register's Office Davidson County, Tennessee and being more particularly described as follows:

Beginning at an iron pin set on the northerly margin of Wyntergrace Farm Road, said point being the most southeasterly corner of Lot 30 in the plan of Merritt Downs, Section One, of record at instrument no. 20010523-0053201, Register's Office Davidson County, Tennessee;
Thence with the easterly line of said Lot 30,
North 20 Degrees 27 Minutes 42 Seconds East a distance of 79.00 to an iron pin set;
Thence with a new line, severing said Merritt Property, the following fourteen calls:
South 71 Degrees 43 Minutes 22 Seconds East a distance of 157.47 to a point;
Thence North 18 Degrees 16 Minutes 38 Seconds East a distance of 6.31 to an iron pin set;
Thence South 71 Degrees 43 Minutes 22 Seconds East a distance of 112.96 to an iron pin set;
Thence North 41 Degrees 01 Minutes 10 Seconds East a distance of 46.32 to an iron pin set;
Thence South 71 Degrees 31 Minutes 39 Seconds East a distance of 141.81 to an iron pin set;
Thence North 18 Degrees 28 Minutes 21 Seconds East a distance of 47.88 to a point;
Thence South 71 Degrees 31 Minutes 39 Seconds East a distance of 167.51 to an iron pin set;
Thence South 38 Degrees 51 Minutes 36 Seconds East a distance of 43.59 to an iron pin set;
Thence South 70 Degrees 56 Minutes 15 Seconds East a distance of 132.86 to a point in the westerly line of Sherwood Forest Subdivision, Section Four, of record in Plat Book 4460, page 182, Register's Office Davidson County, Tennessee;
Thence with the westerly line of Sherwood Forest, Section Four,
South 07 Degrees 32 Minutes 55 Seconds West a distance of 22.28 to an iron pin set;
Thence North 82 Degrees 27 Minutes 37 Seconds West a distance of 29.76 to an iron pin set;
Thence South 07 Degrees 08 Minutes 27 Seconds West a distance of 85.00 to an iron pin set;
Thence South 82 Degrees 27 Minutes 37 Seconds East a distance of 29.15 to an iron pin set;
Thence South 07 Degrees 32 Minutes 55 Seconds West a distance of 85.00 to an iron pin set;
Thence North 82 Degrees 27 Minutes 37 Seconds West a distance of 26.97 to an iron pin set;
Thence South 06 Degrees 21 Minutes 37 Seconds West a distance of 89.73 to an iron pin set;
Thence South 84 Degrees 01 Minutes 57 Seconds East a distance of 25.12 to an iron pin set;
Thence South 07 Degrees 32 Minutes 55 Seconds West a distance of 31.14 to an iron pin (old);
Thence South 02 Degrees 32 Minutes 55 Seconds West a distance of 290.40 to an iron pin (old);
Thence South 10 Degrees 23 Minutes 05 Seconds East a distance of 46.50 to a Point;
Thence leaving the westerly line of said plan of Sherwood Forest, Section Four, and with the northerly line of the plan of Truxton Park, Section Four, of record at Instrument No. 20020528-0064435, Register's Office Davidson County, Tennessee, North 80 Degrees 57 Minutes 49 Seconds West a distance of 575.62 feet to a point in the easterly line of the plan of Fox Run Condominiums, Section Two, of record in Plat Book 5200, page 148, Register's Office Davidson County, Tennessee;
Thence with the easterly line of Fox Run Condominiums, Section Two, and with the easterly line of Lexington, Phase Two, of record in Plat Book 6250, page 341, Register's Office Davidson County, Tennessee,
North 09 Degrees 02 Minutes 11 Seconds East a distance of 272.69 to an iron pin (old);
Thence with the northerly line of said plan of Lexington, Phase Two,
North 83 Degrees 42 Minutes 18 Seconds West a distance of 350.08 to an iron pin set at the most southeasterly corner of Lot 112 on the afore-said plan of Merritt Downs, Section One;
Thence with the easterly line of said plan of Merritt Downs, Section One,
North 22 Degrees 18 Minutes 48 Seconds East a distance of 324.81 to an iron pin set;
Thence North 20 Degrees 37 Minutes 36 Seconds East a distance of 50.01 to the Point of Beginning;
containing 11.167 acres or 486,423 square feet more or less.

EXHIBIT B

1. Current year's taxes - Map 64-16, Parcel 25, a lien, but not yet due and payable.

2. Utility Easement to Cumberland Utility District of record in Book 4910, page 838, Register's Office for Davidson County, Tennessee.

3. Ingress and Egress rights described in deed of record in Book 5699, page 537, said Register's Office.