PREPARED BY (AND RETURN TO):

**WILKINS & IVEY**
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155 Franklin Road, Suite 120
Brentwood, TN 37027

Davidson County DEEDWARR
Recvd: 05/08/03 16:00 4pgs
Fees:22.00 Taxes:0.00

20030508-0062212

W & I Ref: (GJ) Title No: 44337

Dav. Co. File: Box 8

| **ADDRESS NEW OWNER:** | **RESPONSIBLE FOR TAX PAYMENT:** |
|---|---|
| Catherine A. Peterman<br><br>307 Cana Circle<br>Nashville, Tennessee 37205 | Wells Fargo Home Mortgage, Inc.<br>4456 Corporation Lane<br>Virginia Beach, VA 23462 |

**TAX MAP-PARCEL NUMBERS:** 129-11-A-307

# *DEED OF LEASEHOLD INTEREST*

**FOR AND IN CONSIDERATION** of the sum of **$129,000.00** , cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Audrey Robinson, and C. Jackson Maurer, Trustees with full power, of sale under the Erma M. Freeborg Revocable Trust, dated January 26, 1990,** hereinafter called the **Grantors**, has bargained and sold, and by these presents does hereby transfer and convey unto **Catherine A. Peterman,** hereinafter called the **Grantee**, Grantee's heirs and assigns, a certain tract or parcel of land in **Davidson** County, Tennessee, described as follows: **To Wit:**

A Condominium Apartment in Davidson County, Tennessee, created upon a leasehold Estate, Being Unit No.307 of The Cloister at St. Henry, Phase IC, a horizontal property regime pursuant to the Tennessee Horizontal Property Act, as shown on Exhibit "B" to the Master Deed of record in Book 6675 page 173 Register's Office for said County, to which source reference is hereby made for more complete details of description, together with the said Apartment's appurtenant undivided interest in the general and limited common elements of the condominium.

Being the same property conveyed to Erma M. Freeborg, an unmarried woman by deed from Edd R. Turner, III individually and as executor of the Estate of Edd R. Turner, Jr., of record in Doc. No. 200007030066138, Register's Office for Davidson County, Tennessee. Erma M. Freeborg has since died, unmarried and Testate and by Will of Record in Book 5163, page 1069274 Probate Court Clerks Office for Davidson County, Tennessee, the subject property was devised to the Trustees of the Erma M. Freeborg Revocable Trust. By Order of the 7th Circuit Court for Davidson County, Tennessee, Audrey Robinson and C. Jackson Maurer were established as Personal Representatives, with full power of sale, of said Testatrix, and Audrey Robinson and C. Jackson Maurer, acting as personal representatives have confirmed the conveyance to Audrey Robinson and C. Jackson Maurer as Trustees, with full power of sale, of the said Revocable Trust of Erma M. Freeborg recorded concurrently here with. in Instrument No. 20030508-0062211.

Grantee understands that Grantor is not conveying the real estate in fee simple and this conveyance is both a sublease by Grantor to Grantee of the above described condominium apartment for the full term of Grantors Ground Lease and any extension thereof, and conveyance by Grantor of all right, title and interest of the Grantor in the described condominium apartment. By acceptance of this conveyance, Grantee agrees to assume jointly with the Cloister Owners' Association all obligations of the Grantor under Grantors Ground Lease including payment of all real estate taxes assessed against both land and buildings. The attached copy of a resolution of the Board of Directors of St. Henry Property Development, Inc. is incorporated herein as Exhibit "A" to this instrument.

**Description Reference:** The description is the same as that used in the last deed prior to this transaction.

This conveyance is subject to: Taxes for 2003, and subsequent years; Provisions of the Master Deed and By-Laws of record in Book 6675, page 173, Book 6675, page 226, Book 7590, page 273, said Register's Office; Exhibit "B" to the Master Deed of record in Book 6675, page 173, Register's Office, shows an owner's certificate, minimum setback lines and easements to which plan reference is hereby made for a more complete description; the terms and conditions of a Ground Lease of record in Book 6596, page 608, said Register's Office; a Storm Water Detention Agreement of record in Book 6824, page 870, said Register's Office

**This is improved property, known as: 307 Cana Circle, Nashville, Tennessee 37205**

**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, Grantee's heirs or assigns, forever.

**GRANTOR COVENANTS** with the said Grantee that Grantor is lawfully seised 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.

**GRANTOR FURTHER COVENANTS** and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

**WITNESS THE EXECUTION HEREOF** this 12th day of April, 2003 .

Audrey Robinson, Trustee

C. Jackson Maurer, Trustee

**State of** MISSOURI
**County of** ST. LOUIS

On this 12TH day of April, 2003, before me the undersigned authority, personally appeared **Audrey Robinson**, to me known (or proved to me on the basis of satisfactory evidence) to be Trustee of the Erma M. Freeborg Revocable Trust, the within named bargainor, a Trust, and acknowledged the execution of the foregoing instrument, and acknowledged the execution of the foregoing instrument as such Trustee for the purposes therein contained.

My Commission Expires: 1-25-2007

Pauline M. Nocifora
Notary

PAULINE M. NOCIFORA
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan. 25, 2007

**State of** MISSOURI
**County of** ST. LOUIS

On this 12TH day of April, 2003, before me the undersigned authority, personally appeared **C. Jackson Maurer**, to me known (or proved to me on the basis of satisfactory evidence) to be Trustee of the Erma M. Freeborg Revocable Trust, the within named bargainor, a Trust, and acknowledged the execution of the foregoing instrument, as such Trustee for the purposes therein contained.

My Commission Expires: 1-25-2007

Pauline M. Nocifora
Notary

PAULINE M. NOCIFORA
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan. 25, 2007

**State of** TENNESSEE
**County of Williamson**

**AFFIDAVIT**

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this Conveyance of the **Leasehold is Exempt from tax.**

Affiant

Sworn and subscribed before me this 16th day of April, 2003.

Notary Public

My Commission Expires: 6 2 5 04

ROBERT M. LOFFI NOTARY PUBLIC DAVIDSON COUNTY TENN.

EXHIBIT "A"

RESOLUTION

WHEREAS, the Master Deeds for The Cloister at St. Henry provide at Section 18(d) circumstances under which a unit owner may sell his unit to the developer, St. Henry's Property Development, Inc. ("S.H.P.D.") for 80% of appraised fair market value; and,

WHEREAS, a question has arisen regarding whether or not S.H.P.D. may on the death of a unit owner compel the succeeding owners to sell to S.H.P.D. at 80% of appraised fair market value; and,

WHEREAS, S.H.P.D. has never intended to compel any owner to sell to it at 80% of appraised fair market value; and,

WHEREAS, S.H.P.D. understands that Section 18(d) does not grant it any right to compel such a sale at the death of an owner or otherwise:

NOW, THEREFORE, be it:

RESOLVED, that for the purpose of clarifying interpretation of the Master Deeds' Section 18(d) and with express understanding that prospective unit purchasers of The Cloister at St. Henry will rely on the statements in this resolution, S.H.P.D. declares that it will not under any circumstances compel any unit owner to sell a unit to S.H.P.D. at 80% of appraised fair market value, but will purchase units at 80% of appraised fair market value upon request of a unit owner provided such unit owner has fully complied with all pre-requisites to the obligations of S.H.P.D. as provided in Section 18(d).

Resolution unanimously adopted by Board of Trustees for St. Henry Property Development, Inc. at its regular monthly meeting on Wednesday, March 6, 1985.

Karol F. Grace

Karol F. Grace
Board Member and Secretary