Box 17

WARRANTY DEED

Davidson County DEEDWARR
Recvd: 07/16/03 11:33 3pgs
Fees:18.00 Taxes:136.90
20030716-0099483

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER
IS GREATER, FOR THIS TRANSFER IS $ 27,000.00
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE
14th DAY OF July, 2003

Laura A. Beasley
Notary Public

MY COMMISSION EXPIRES: 11/26/05
(AFFIX SEAL)

THIS INSTRUMENT WAS PREPARED BY
Coomer and Jenkins, Suite 230, 392 Harding Place, Nashville, TN 37211

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
Howard G. Hibbett	Same	MAP 95-15
(NAME)	(NAME)	
232 Nunley Drive		PARCEL 5
(ADDRESS)	(ADDRESS)	
Nashville, TN 37211		
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE, PDS Partnership, a TN general partnership

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO Howard G. Hibbett and wife, Patty S. Hibbett

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Davidson COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Being a tract of land in the First Civil District, Nashville, Davidson County, Tennessee, located generally between Elm Hill Pike and Old Elm Hill Pike southwest of McGavock Pike and being Lot 2 on the Final Subdivision Plat of Jack in the Box, Elm Hill Pike at McGavock Pike as of record in Instrument No. 20010525-0054768, R.O.D.C., and being more particularly described as follows:

Beginning at an existing iron in the northerly right of way line of Old Elm Hill Pike at the southeast property corner of Tom F. Cone, as of record in Book 7127, page 193, R.O.D.C.; thence, with the northeasterly line of Cone, North 28 deg. 05' 41" East 67.00 feet to an existing iron pin; thence, continuing with said line, North 25 deg. 04' 34" East 76.37 feet to the southerly right of way line of Elm Hill Pike, said point being in the centerline of Sims Branch at the northwesterly property corner of Bobby Howard and Rebecca Howard as of record in Book 9800, page 127, R.O.D.C. and Instrument No. 200008020076458, R.O.D.C.; thence, with the centerline of said Sims Branch and the southerly line of Howard the following calls: South 11 deg. 43' 55" East 56.14 feet; South 76 deg. 08' 07" East 63.46 feet; North 83 deg. 30' 34" East 113.28 feet; South 42 deg. 05' 30" East 67.46 feet; South 22 deg. 53' 51" East 41.27 feet; South 22 deg. 53' 51" 46.08 feet; South 48 deg. 56' 37" East 150.98 feet; South 10 deg. 13' 35" West 10.26 feet to an iron pin set with cap MES 1649 in the northerly right of way line of Old Elm Hill Pike; thence, with the northerly right of way line of Old Elm Hill Pike, North 79 deg. 46' 26" West 39.44 feet to an existing iron pin; thence, continuing with said right of way line of Old Elm Hill Pike along a curve to the right 149.24 feet to an existing iron pin, said curve having a central angle of 14 deg. 08' 00", a radius of 605.00 feet, a tangent of 75.00 feet and a chord of North 72 deg. 42' 26" West 148.86 feet; thence, continuing with said line North 65

CONTINUED

unimproved (X)
This is improved ( ) property, known as , Elm Hill Pike, Nashville, TN
(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 GRANTEES, their heirs and assigns forever, and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. 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.

Witness our hand s this 14th day of July, 2003

PDS Partnership, a TN general partnership
By: Dorothy A. Adams
Dorothy A. Adams, Partner
By: Connie A. Bouldin
Connie A. Bouldin, Partner

STATE OF TENNESSEE
COUNTY OF

Personally appeared before me, _____, a Notary Public in and for said County and State, the within named _____

the bargainor _____, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that _____executed the within instrument for the purposes therein contained. Witness my hand and official seal at _____, Tennessee, this _____day of _____, _____ .

Commission expires _____

_____
Notary Public

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Before me, the undersigned a Notary Public within and for the State and County aforesaid, personally appeared Dorothy A. Adams and Connie A. Bouldin with whom I am personally acquainted and who upon their oath(s) acknowledged themselves to be the Partner and Partner respectively of the PDS Partnership the within named bargainor, and corporation, and that they as such Partner and Partner being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing the name of the corporation, by the said Dorothy A. Adams as such Partner, and attesting the same by the said Connie A. Bouldin as such Partner.

Witness my hand and official seal at office at Nashville, TN 37211 on this the 14th day of July, 2003 .

My commission expires 11/26/05

Laura A. Beasley
Notary Public

LEGAL DESCRIPTION CONTINUATION

deg. 38' 23" West 285.18 feet to the point of beginning. Containing 47,723 square feet or 1.09 acres, more or less as shown on the above referenced Final Subdivision Plat prepared by Sawyer Land Surveying, Mark E. Sawyer, R.L.S., Tennessee License 1649, File 00-097.

Subject to and excluded from this conveyance are Deeds of Conveyance to The Metropolitan Government of Nashville and Davidson County, Department of Water and Sewerage Services, of record in Book 8131, page 941; Boo 8131, page 937; Book 8131, page 995; Book 8132, page 1, said Register's Office.

Being the same property conveyed to PDS Partnership, a TN general partnership by deed from Jack in the Box Eastern Division, L.P., a Texas Limited Partnership of record in Instrument No. 20020222-0023003, Register's Office for Davidson County, TN.

Subject to restrictions of record in Instrument No. 200008020076740, said Register's Office.

This conveyance is subject to any and all existing easements of record including a sewer easement of record in Book 4365, page 625, and to all matters shown on the plan of record in Instrument No. 20010525-0054768, said Register's Office.

Taxes for the year 2003 are prorated and assumed by the Grantee(s) herein.

The legal description is the same as the previous deed of record.