THIS INSTRUMENT PREPARED BY AND WHEN RECORDED RETURN TO:	PROPERTY OWNER:	PROPERTY ADDRESS:	MAIL TAX BILLS TO:	TAX PARCEL NO.:
Richard A. Daniel, II, Attorney Baker, Donelson, Bearman, Caldwell & Berkowitz 165 Madison Avenue, Suite 2000 Memphis, Tennessee 38103	First Tennessee Bank National Association Attn: Mr. Thomas F. Baker, IV 165 Madison Avenue Memphis, TN 38103	635 Thompson Lane, Nashville, Davidson County, Tennessee	First Tennessee Bank National Association Attn: Mr. Thomas F. Baker, IV 165 Madison Avenue Memphis, TN 38103	118-12/49

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into as of the 7th day of ~~September~~ October, 2003, by and between **DREW R. MADDUX**, an individual residing in Davidson County, Tennessee, **MADDUX REALTY AND CONSTRUCTION COMPANY, INC.**, a Tennessee corporation with a location at St. Blaise Road, Hendersonville, Tennessee 37077, and **F.J. & S. INVESTMENTS**, a Tennessee general partnership located in Davidson County, Tennessee (collectively, hereinafter "Grantor"), and **FIRST TENNESSEE BANK NATIONAL ASSOCIATION**, a national banking association whose address is 165 Madison Avenue, Memphis, Tennessee 38103 (hereinafter "Grantee");

W I T N E S S E T H:

THAT for and in consideration of Ten Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey, and confirm unto Grantee the following described real estate, situated and being in the City of Nashville, County of Davidson, State of Tennessee, to-wit:

> Being Lot Nos. 78, 79 and 80, on the Plan of Sidco Subdivision, Section Two, as shown on plat of record in Plat Book 2331, page 93, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.

This being a portion of the same property conveyed to F.J. & S. Investments, by Deed of record in Book 8222, Page 476, Register's Office for Davidson County, Tennessee. Further being the same property conveyed to Drew R. Maddux and Maddux Realty and Construction Company, Inc. by Deed of Record in Book 9839, page 132, said Register's Office.

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

AND, subject always to those liens, easements, encumbrances and exceptions listed in **Exhibit "A,"** attached hereto and incorporated herein by reference, Grantor does hereby covenant with Grantee that title to aforesaid real estate Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

As used herein, pronouns shall be construed according to their gender and number according to the context thereof.

Davidson County DEEDWARR
Recvd: 10/08/03 12:41 5pgs
Fees:28.00 Taxes:7770.00
20031008-0149429

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

Drew R. Maddux Sr.
DREW R. MADDUX

MADDUX REALTY AND CONSTRUCTION COMPANY, INC.

By: Drew R. Maddux Sr.

Title: President

F.J. & S. INVESTMENTS

By: Steve Howell

Title: Partner

ACKNOWLEDGMENT(S)

STATE OF Tennessee
COUNTY OF Davidson

Personally appeared before me, Patty J. Welch, a Notary Public in and for said State and County, **DREW R. MADDUX**, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal at office, on this 24th day of September, 2003.

Patty J. Welch
Notary Public

PATTY J. WELCH
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.
My Commission Expires JULY 30, 2005

My Commission Expires: 7/30/05

M RAD 725072 v1
2100000-B07611 09/22/03

STATE OF Tennessee
COUNTY OF Davidson

Before me, Patty J. Welch, a Notary Public in and for the State and County aforesaid, personally appeared DREW R. MADDUX with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be the President of **MADDUX REALTY AND CONSTRUCTION COMPANY, INC.**, the within named bargainor, a corporation, and that he as such President, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such President.

WITNESS my hand and seal at office, on this the 24th day of September, 2003.

Patty J. Welch
Notary Public

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires:
7/30/05

My Commission Expires JULY 30, 2005

STATE OF Tennessee
COUNTY OF Davidson

Before me, Carolyn Curry, a Notary Public in and for said County and State, personally appeared Steve Harrell, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be a partner of **F.J. & S. INVESTMENTS**, the within named bargainor, a partnership, and that he as such partner executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as such partner.

WITNESS my hand and seal at office, on this 24th day of September, 2003.

Carolyn P. Curry
Notary Public

NOTARY PUBLIC

My Commission Expires:
May 30, 2007

AFFIDAVIT OF VALUE

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 $2,100,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair voluntary sale.

Richard T. Baker
AFFIANT

SUBSCRIBED AND SWORN TO before me this 7th day of ~~September~~ October, 2003.

Jennifer L Henman
Notary Public

JENNIFER L. HENMAN NOTARY PUBLIC AT LARGE SHELBY COUNTY, TENN.

My Commission Expires:

April 10, 2007

EXHIBIT "A"
TO
SPECIAL WARRANTY DEED
FROM
T&W STONETRACE COMMONS DEVELOPMENT COMPANY, LLC
TO
FIRST TENNESSEE BANK NATIONAL ASSOCIATION

Encumbrances

1. Taxes for the year 2003, a lien, which are not yet due and payable.

2. All matters shown on Plat recorded in Book 2331, page 93 in the Register's Office of Davidson County, Tennessee.

3. The exception and reservation in favor of the United States of America in and to all fissionable materials as described in that certain deed of record in Book 2152, page 347, said Register's Office.

4. Easement for use of all of the sewerage facilities and equipment in, on and over the premises of record in Book 2486, page 314, said Register's Office.

5. Easement for railroad right of way as set forth in instrument of record in Book 2499, page 79, said Register's Office.

6. Water mains and equipment appurtenant thereto and easements therefore that have been transferred to the City of Nashville by instrument of record in Book 2244, page 611, said Register's Office.

7. Easements to the Metropolitan Government of Nashville and Davidson County for storm sewers of record in Book 4124, page 292, said Register's Office.

(For Recording Data Only)