Box 57

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 $645,866.00 _____ AFFIANT Subscribed and sworn to before me this 7 day of January, 2004. _____ NOTARY PUBLIC My Commission Expires: 7-30-05

YVONNE NORMAN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Address New Owners as Follows:
Beazer Homes Corp.
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.**, 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., its successors and assigns, forever.

Davidson County DEEDWARR
Recvd: 01/07/04 15:32 5pgs
Fees:28.00 Taxes:2389.70
20040107-0002886

AND Gilbert S. Merritt, Jr. does hereby covenant with the said Beazer Homes Corp. 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., 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 6th day of January, 2004.

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 6th day of January, 2004.

NOTARY PUBLIC

My commission expires: 9/24/05

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 6th day of January, 2004.

NOTARY PUBLIC

My commission expires: 9/24/05

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

Property Description

portion of
Gilbert S. Merritt Property
Proposed Section 3
Merritt Downs

Being a 17.707 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 Gilbert S. Merritt as evidenced by deed of record in Deed Book 1298 page 656, Register's Office Davidson County, Tennessee, and being more particularly described according to a survey by Anderson-Delk & Associates, Inc., Mark E. Lowrance, Tennessee R.L.S. No. 1660, dated December 20, 1999, as follows:

Beginning at an iron pin set at the northwesterly corner of Lot 31 on the plan of Merritt Downs, Section Two as record in instrument number 20030904-0128443, Register's Office Davidson County, Tennessee; said point being in the easterly line of Lot 30 on the plan of said Merritt Downs, Section One, of record at Instrument No. 20010523-0053201, Register's Office Davidson County, Tennessee;

Thence with the easterly line of said plan of Merritt Downs, Section One, the following six calls:
North 20 Degrees 27 Minutes 42 Seconds East a distance of 117.39 to an iron pin set;
Thence North 16 Degrees 23 Minutes 35 Seconds East a distance of 229.80 to an iron pin set;
Thence North 30 Degrees 29 Minutes 07 Seconds West a distance of 314.93 to an iron pin set;
Thence North 47 Degrees 00 Minutes 36 Seconds West a distance of 183.54 to an iron pin set;
Thence North 54 Degrees 50 Minutes 15 Seconds East a distance of 261.37 to an iron pin set;
Thence North 34 Degrees 06 Minutes 03 Seconds East a distance of 33.54 to an iron pin set in the southerly margin of Saundersville Road;
Thence leaving the line of said plan of Merritt Downs, Section One, and with a new line, following the southerly right-of-way of Saundersville Road,
South 82 Degrees 27 Minutes 12 Seconds East a distance of 866.77 to an iron pin set in the westerly line of Lot 500 on the plan of Sherwood Forest, Section Six as record in Plat Book 4955 Page 116, Register's Office Davidson County, Tennessee;
Thence along the westerly lines of said Sherwood Forest, Section Six, and Sherwood Forest, Section Four as record in Plat Book 4460 Page 182, Register's Office Davidson County, Tennessee,
South 07 Degrees 32 Minutes 33 Seconds West a distance of 469.94 to an iron pin set in the northeasterly corner of the Ronald Coin Property of record in Deed Book 5815 Page 452, Register's Office Davidson County, Tennessee;
Thence with the northerly line of said Coin Property,
North 82 Degrees 27 Minutes 37 Seconds West a distance of 66.22 to an iron pin set;
Thence following the westerly lines of said Coin Property and the Timothy Lynn Clark Property of record in Deed Book 9612 Page 237, Register's Office Davidson County, Tennessee;
Thence South 06 Degrees 26 Minutes 55 Seconds West a distance of 184.61 to an iron pin set;
Thence with the southerly line of said Clark Property,
Thence South 82 Degrees 27 Minutes 37 Seconds East a distance of 37.79 to an iron pin set in the northwesterly corner of Lot 298 on the plan of said Sherwood Forest, Section Four;
Thence along the westerly line of said Sherwood Forest, Section Four,
South 07 Degrees 32 Minutes 55 Seconds West a distance of 344.75 to an iron pin set in the northeasterly corner of the A. L. Maloney, Trustee Property as record in Deed Book 9248 Page 404, Register's Office Davidson County, Tennessee;
Thence along the northerly line of said A. L. Maloney, Trustee Property,
North 82 Degrees 27 Minutes 37 Seconds West a distance of 29.76 to an iron pin set in the northeasterly corner of Open Space "B" on the afore-said plan of Merritt Downs, Section Two;
Thence following the northerly line of said Merritt Downs, Section Two, the following ten calls:

North 27 Degrees 49 Minutes 08 Seconds West a distance of 40.63 to an iron pin set;
Thence North 70 Degrees 56 Minutes 15 Seconds West a distance of 78.48 to an iron pin set;
Thence North 38 Degrees 51 Minutes 36 Seconds West a distance of 43.59 to an iron pin set;
Thence North 71 Degrees 31 Minutes 39 Seconds West a distance of 167.51 to a point;
Thence South 18 Degrees 28 Minutes 21 Seconds West a distance of 47.88 to an iron pin set;
Thence North 71 Degrees 31 Minutes 39 Seconds West a distance of 141.81 to an iron pin set;
Thence South 41 Degrees 01 Minutes 10 Seconds West a distance of 46.32 to an iron pin set;
Thence North 71 Degrees 43 Minutes 22 Seconds West a distance of 152.96 to a point;
Thence South 18 Degrees 16 Minutes 38 Seconds West a distance of 6.31 to an iron pin set;
Thence North 71 Degrees 43 Minutes 22 Seconds West a distance of 117.47 to the Point of Beginning;
containing 17.707 acres or 771,302 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.

4. Sanitary Sewer and/or Storm Drainage Easement of record at instrument Number 20001208-0121300, said Register's Office.