2nd

THIS INSTRUMENT PREPARED BY:
Maria Renee Moran, Esq.
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
A Professional Corporation
Suite 1000, 211 Commerce Street
Nashville, Tennessee 37201

Davidson County DEEDWARR
Recvd: 01/08/04 15:40 6pgs
Fees:33.00 Taxes:2035.00
20040108-0003499

ADDRESS NEW OWNER
Farokh Fani
1451 Bell Road
Nashville, TN 37211

SEND TAX BILLS TO:
1451 Bell Road
Nashville, TN 37211

MAP PARCEL
Map 106
Parcel 144

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $550,000.00.

Affiant

Subscribed and sworn to before me this the 7th day of January, 2004.

Notary Public

MARILYN HYDE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires: 11/27/04

SPECIAL 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 and sufficiency of which are hereby acknowledged, **Sharon Wachtel, Executrix of the Estate of David K. Wachtel, Jr.**, hereinafter called "GRANTOR," has bargained and sold, and by these presents does transfer and convey unto Farokh Fani, an individual, hereinafter called "GRANTEE," his heirs and assigns, certain real property in Davidson County, State of Tennessee, described as follows (the "Property"):

(SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE AS FULLY AS THOUGH COPIED HEREIN)

The Property is transferred subject to the limitations, restrictions, and encumbrances set forth on **Exhibit B**.

This is improved property known as 902 Murfreesboro Pike, Nashville, Tennessee.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, his heirs and assigns, forever, and GRANTOR does covenant with said GRANTEE that she is lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is free from all encumbrances made or suffered by Grantor, except as listed on **Exhibit B** and representations and limitations as expressly provided for hereby; and GRANTOR does further covenant and bind herself, her heirs, assigns and representative, to warrant and forever defend the title to the Property to the said GRANTEE, his heirs and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise. 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.

[Signature and Acknowledgement on the following pages]

WITNESS its hand this, the 7th day of January, 2004.

GRANTOR:

The Estate of David K Wachtel, Jr.

By: Sharon Wachtel
Sharon Wachtel, Executrix

STATE OF Tenn
COUNTY OF Davidson

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Sharon Wachtel, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledge herself to be Executrix of **The Estate of David K. Wachtel, Jr.**, the within named bargainor, and that she as such Executrix, being authorized so to do, executed the foregoing instrument for the purposes therein contained, as the Executrix.

Witness my hand and seal, at office, in Nashville, Tenn, this the 31 day of Dec, 2003.

Anita D. Moore
Notary Public

My Commission Expires:

9-24-05

ANITA D. MOORE
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

My Commission Expires SEPT. 24, 2005

N MMX 449588 v1
2825466-000001 12/24/2003

EXHIBIT A

A tract of land referred to hereinafter as tract "A" in the first, formerly Third, Civil District of Davidson County, Tennessee, being more fully described as follows:

Beginning at an iron pin on the northeasterly margin of Murfreesboro Road, U.S. 41, Tenn. 70-S, at the westerly corner of the Louise Martinez tract (Book 4413, Page 993, R.O.D.C.), said iron pin is northwesterly a distance of 507.4' from the centerline of Millwood Drive and proceeding as follows:

1. With the northeasterly margin of Murfreesboro Road, N 45°45' W a distance of 145.80' to an iron pin; thence,

2. Severing the land of which this is a part, N 44°15' E a distance of 50.16' to an iron pin; thence,

3. N 35°11'20" E a distance of 324.25 to an iron pin; thence,

4. S 55°53' E a distance of 207.38' to an iron pin; thence,

5. S 34°07' W a distance of 284.00' to an iron pin in an old fence line; thence,

6. N 45°45' W a distance of 80.00' to an iron pin; thence,

7. S 34°07' W a distance of 129.30' to the point of beginning and containing 73,207 square feet or 1.681 acres.

A 25-foot perpetual, non-exclusive easement for Ingress and Egress along the northwesterly side of tract "A", calls 2 and 3 above, and running with the title to tract "A", being more fully described as follows:

Beginning at an iron pin in the northeasterly margin of Murfreesboro Road at a point 145.80' from the point of beginning of the above described tract of land herein conveyed and proceeding as follows:

1. N 45°45' W a distance of 25.00' to a point; thence,

2. N 44°15' E a distance of 48.18' to a point; thence,

3. N 35°11'20" E a distance of 321.80' to a point; thence,

4. S 55°53' E a distance of 25.00' to an iron pin; thence,

5. S 35°11'20" W a distance of 324.25' to an iron pin; thence,

6. S 44°15' W a distance of 50.16' to the point of beginning and containing 9,305 square feet or 0.214 of an acre.

Reserved therefrom is a perpetual, non-exclusive 25-foot Ingress and Egress Easement in favor of Judy's Foods, Inc., along the northwesterly side of tract "A", calls 2 and 3 above, being more fully described as follows:

Beginning at an iron pin in the northeasterly margin of Murfreesboro Road at a point 145.80' from the point of beginning of the above described tract of land herein conveyed and proceeding as follows:

1. N 44°15' E a distance of 50.16' to an iron pin; thence,

2. N 35°11'20" E a distance of 324.25' to an iron pin; thence,

3. S 55°53' E a distance of 25.00' to a point; thence,

4. S 35°11'20" W a distance of 326.70' to a point; thence,

5. S 44°15' W a distance of 52.14' to a point on the northeasterly margin of Murfreesboro Road; thence,

6. N 45°45' W a distance of 25.00' to the point of beginning and containing 9,416 square feet or 0.216 of an acre.

All of the above is as described by a survey of Ragan-Smith & Associates, Inc., dated July 5, 1979. Being a portion of the same property conveyed to David K. Wachtel, Jr. by deeds of record in Book 6436, page 518 and Book 6436, page 524, Register's Office for Davidson County, Tennessee. David K. Wachtel, Jr. has since died and his Last Will and Testament have been filed in the Probate Court of Sumner County, Tennessee.

EXHIBIT B

THE FOREGOING DESCRIBED PROPERTY IS CONVEYED SUBJECT TO THE FOLLOWING:

1. Metropolitan Government of Nashville and Davison County Taxes for the year of 2004 and subsequent years which have been assumed by Grantee.

2. Any discrepancies, conflicts, encroachments, servitudes, shortages in area and boundaries or other facts which a correct survey would show.

3. All matters shown on Plat recorded in Book 5200, page 236, Register's Office for Davidson County, Tennessee.

4. Easement to the Metropolitan Government of Nashville and Davidson County, Tennessee as of record in Book 4651, page 30, Register's Office for Davidson County, Tennessee.

5. 25-foot Egress and Ingress Easement as of record in Book 1562, page 497, Register's Office for Davidson County, Tennessee.

6. Easement for overflow field purposes reserved in Book 2794, page 600, Register's Office for Davidson County, Tennessee.

7. 25-foot Ingress and Egress Easement along the northwesterly side of Tract "A" as of record in Book 5475, page 89, Register's Office for Davidson County, Tennessee, as corrected in Book 5536, page 314, Register's Office for Davidson County, Tennessee.

8. Covenants, Conditions, Restrictions and Reservations as contained in Book 6436, page 518; Book 6436, page 524 and Book 5536, page 314, Register's Office for Davidson County, Tennessee.

9. Driveway and parking areas being used by adjacent property owner on the south corner of the property.

10. Rights of tenants in possession as "Tenants Only" under unrecorded lease(s).