Davidson County DEEDWARR
Recvd: 01/23/04 15:11 7pgs
Fees:38.00 Taxes:3091.92

20040123-0009465

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS PLC (CDB)
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238

# SPECIAL WARRANTY DEED

| Address New Owner(s) | Send Tax Bills To | Map-Parcel Number(s) |
|---|---|---|
| American Affordable Homes, L.P.<br>6805 Falcata Cove<br>Austin, TX 78750 | Same | 71-6/72 |

**FOR AND IN CONSIDERATION OF** the sum of TEN AND NO/100 DOLLARS ($10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, KAMER SHARIFPOUR (the "Grantor") has bargained and sold, and hereby transfers and conveys to AMERICAN AFFORDABLE HOMES, LP, a Texas limited partnership (the "Grantee"), certain real property in Davidson County, Tennessee, more particularly described on Exhibit A attached hereto.

This is improved property located at 230 West Trinity Lane, Nashville, Tennessee.

Grantor covenants and binds herself and her heirs and representatives to warrant specially and defend to Grantee forever the title to said property against the lawful claims of all persons claiming through or under Grantor (excluding claims arising out of the matters set forth on Exhibit B), but no further or otherwise.

**IN WITNESS WHEREOF,** the undersigned Grantor has executed this instrument or has caused same to be executed this 23 day of January, 2004.

Kamer Sharifpour by C Dewees Berry, Attorney in fact.

C. Dewees Berry, as attorney in fact for Kamer Sharifpour Under that Limited Power of Attorney dated November 20, 2003

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, C. Dewees Berry, IV, as attorney in fact for Kamer Sharifpour, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 23rd day of January, 2004.

LAURA LINCOLN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN My Comm. Exp. Nov. 27, 2004

Notary Public

My Commission Expires:

_____

STATE OF TN )
)
COUNTY OF Davidson )

The actual consideration for this transfer or value of property transferred (whichever is greater) is $835,655.09.

C D Berry Atty

Affiant

Sworn to and subscribed before me this 23rd day of January, 2004.

LAURA LINCOLN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN My Comm. Exp. Nov. 27, 2004

Notary Public

My Commission Expires:

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EXHIBIT A

## LEGAL DESCRIPTION

Lying in Metropolitan Nashville, Davidson County, Tennessee, being all of Tracts 1, 2 and 3 of the land which has been owned in part by Barbara P. Friedman, Trustee, as recorded in Book 5932, Page 891, Register's Office of Davidson County, Tennessee, and with said three tracts being more particularly described as follows:

Beginning at an existing iron rod on the west right-of-way line of Brick Church Pike, a distance of 150 feet, more or less, measured along said right-of-way line from the south right-of-way line of Trinity Lane, said iron rod also marks the southeast corner of the land of Service Station Holdings, Inc. as recorded in Book 7987, Page 924, Register's Office of Davidson County, Tennessee; thence,

1. With the west right-of-way line of said Brick Church Pike South 05 degrees 24 minutes 57 seconds West, a distance of 207.44 feet to an existing iron rod marking the northeast corner of Lot I of Judy's Subdivision as recorded in Plat Book 4860, Page 94, Register's Office of Davidson County, Tennessee; thence,
2. With the north line of said Lot 1 North 83 degrees 08 minutes 10 seconds West, a distance of 130.02 feet to an existing P.K. nail marking the northwest corner thereof; thence,
3. With the west line of said Lot 1 South 07 degrees 10 minutes 14 seconds West, a distance of 180.30 feet to an existing iron rod at the southwest corner thereof, said iron rod also being on the north line of the land of Craig Payne, Trustee, as recorded in Book 6763, Page 142, Register's Office of Davidson County, Tennessee; thence,
4. With the north line of said Payne land ~~North~~ 82 degrees 34 minutes 41 seconds West, a distance of 254.50 feet to an existing iron rod marking the northwest corner thereof; thence,
5. With the west line of said Payne land South 07 degrees 09 minutes 20 seconds West, a distance of 336.05 feet to an existing concrete monument marking the

southwest corner thereof, said concrete monument also marks a corner of the land of Barbara P. Friedman, Trustee and Marvin P. Friedman, Trustee, as recorded in Book 8656, Page 384, Register's Office of Davidson County, Tennessee; thence, the following 8 calls (lines 6 through 13) with said Friedman land;

6. North 87 degrees 04 minutes 00 seconds West, a distance of 22.00 feet to an iron rod set; thence,
7. South 02 degrees 56 minutes 00 seconds West, a distance of 63.00 feet to an iron rod set; thence,
8. North 87 degrees 04 minutes 00 seconds West, a distance of 310.00 feet to an iron rod set; thence,
9. North 02 degrees 56 minutes 00 seconds East, a distance of 63.00 feet to an iron rod set; thence,
10. North 87 degrees 04 minutes 00 seconds West, a distance of 11.25 feet to an iron rod set; thence,
11. North 02 degrees 56 minutes 00 seconds East, a distance of 528.50 feet to an iron rod set; thence,
12. South 87 degrees 04 minutes 00 seconds East, a distance of 300.00 feet to an iron rod set; thence,
13. North 02 degrees 56 minutes 00 seconds East, a distance of 170.00 feet to an iron rod set on the south line of Lot 1 of the Lawson Subdivision as recorded in Plat Book 5190, Page 732, Register's Office of Davidson County, Tennessee; thence,
14. Leaving said Friedman land, with the south line of Lot 1 of said Lawson Subdivision, and with the south lines of Lots 1 and 2 of the Resubdivision of Lot No. 1 - Texaco Park as recorded in Plat Book 5190, Page 14, Register's Office of Davidson County, Tennessee, South 87 degrees 27 minutes 56 seconds East, a distance of 254.20 feet to an existing iron rod marking the southeast corner of Lot 1 of said Resubdivision; thence,
15. With the east line of Lot 1 of said Resubdivision North 04 degrees 06 minutes 46 seconds East, a distance of 199.74 feet to an existing iron rod marking the northeast

corner thereof, said iron rod also being on the south right-of-way line of said Trinity Lane; thence,

16. With the south right-of-way line of said Trinity Lane South 87 degrees 33 minutes 35 seconds East, a distance of 19.95 feet to a P.K. nail set in asphalt; thence,
17. Continuing with the south right-of-way line of said Trinity Lane South 59 degrees 12 minutes 42 seconds East, a distance of 56.50 feet to an iron rod set at the ~~north~~west corner of said Service Station Holdings, Inc. land; thence,
18. Leaving said Trinity Lane and with the west line of said Service Station Holdings, Inc. land South 04 degrees 00 minutes 05 seconds West, a distance of 173.90 feet to an existing iron rod marking the southwest corner thereof; thence,
19. With the south line of said Service Station Holdings, Inc. land South 84 degrees *33* minutes 37 seconds East, a distance of 148.91 feet to the point of beginning;

Containing approximately 361,514 square feet, or 8.299 acres, more or less.

This description was prepared using a survey plat titled "ALTA/ACSM Survey for Holiday Inn" by Ragan - Smith - Associates, Inc., 315 Woodland Street, Nashville, Tennessee 37206, Job no. 92-169 / w.o. 4078, dated December 1, 1992, and certified by John 0. Spry, Tennessee RLS #*727*.

LESS THE FOLLOWING described property of 1625 square feet taken by condemnation in 1997 by the Tennessee Department of Transportation, and also excluding from this transfer the proceeds held in the Registry of the Chancery Court, Nashville, Davidson County, TN, Case No. 96-2506-I.

Beginning at the point of intersection of the existing south margin of State Route 65 and the east boundary of the William D. Hardeman, *et al* property, said point of intersection being 23.983 feet right of State Route 65 proposed centerline station 1+275.789; thence with said existing south margin easterly 20 feet more or less to a point; thence with the

existing southwest margin of said road southeasterly 56 feet more or less to a point, said point being 48.763 feet right of State Route 65 proposed centerline station 8+297.465; thence with the west boundary of the Service Station Holdings, Incorporated property South 04 degrees 13 minutes 12 seconds West 9.011 feet to a point, said point being 55.774 feet right of State route 65 proposed centerline station 8+297.49; thence with the proposed south margin of said road having a 3717.192 foot radius curve left and westerly 70.39 feet to a point, said point being 55.774 feet right of State Route 65 proposed centerline station 8+275.713; thence with said east boundary North 04 degrees 14 minutes 21 seconds East 31.791 feet to the point of beginning.

Being the same property conveyed by deed of record as Instrument No. 20010307-0021395, Register's Office for Davidson County.

EXHIBIT B

1. Taxes for 2004 and thereafter.
2. Highway, roadway, and utility easements.
3. Such state of facts as an accurate survey would disclose.
4. Rights of parties in possession.
5. Easement of record in Book 4208, page 424, said Register's Office.
6. Easement of record in Book 3951, page 103, said Register's Office.
7. Lack of direct access to and from controlled access highway along east boundary of property.
8. Easement set out in condemnation by the Tennessee Dept. of Transportation, Chancery Court, Nashville, Davidson County, Tennessee, Case No. 96-2506-I.