Davidson County DEEDWARR
Recvd: 01/30/04 08:59 6pgs
Fees:33.00 Taxes:31450.00
20040130-0011507

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

SPECIAL WARRANTY DEED

Address New Owner:	Send Tax Bills To:	Map/Parcel Numbers:
Nashville West Shopping Center, LLC 3841 Green Hills Village Drive, Suite 400 Nashville, Tennessee 37215	Same	Map 102, Parcel 22 Map 102, Parcel 23 Map 102, Parcel 24 Map 102, Parcel 26

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, MARY G. MCGRATH, AS EXECUTRIX OF THE ESTATE OF MARY N. GANIER (the "Grantor"), has bargained and sold, and hereby transfers and conveys, to NASHVILLE WEST SHOPPING CENTER, LLC, a Tennessee limited liability company, and its successors and assigns (the "Grantee"), certain real property in Davidson County, Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by reference:

TO HAVE AND TO HOLD said property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee, forever.

This is unimproved property.

Said property is conveyed subject to the matters described on Exhibit B attached hereto and incorporated herein by reference.

Grantor covenants and binds herself and her successors 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.

[*Signature Page Follows*]

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument as of the 29th day of January, 2004.

Mary G. McGrath, Executrix

Mary G. McGrath, Executrix of the Estate of
Mary N. Ganier

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Mary G. McGrath, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained, and who further acknowledged that she is the Executrix of the Estate of Mary N. Ganier, and is authorized to execute this instrument as the Executrix of the Estate of Mary N. Ganier.

WITNESS my hand, at office, this 29th day of January, 2004.

Michael S. Peek

Notary Public

My Commission Expires:

March 25, 2006

MICHAEL S. PEEK
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

My Commission Expires MAR. 25, 2006

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property transferred (whichever is greater) is $8,500,000.00.

NASHVILLE WEST SHOPPING CENTER, LLC

By: _____

Title: Co chief Manager

Sworn to and subscribed before me this 29th day of January, 2004.

_____

Notary Public

My Commission Expires:

March 25, 2006

MICHAEL S. PEEK
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

My Commission Expires MAR. 25, 2006

EXHIBIT A

Property Description

Being a certain Tract of Land located in the 20th Councilmatic District of Davidson County Tennessee, said Tract being a portion of the property as recorded in Instrument Number 20031031-0160275, R.O.D.C., TN, and all of the property as recorded in Book 1729, Page 287, R.O.D.C., TN, and being more particularly described as follows:

Beginning at a new iron rod located in the Northern margin of Charlotte Pike, said point being N 65°04'58" E 230.7± feet from an old concrete monument, said point being the Southwest corner of Lot 1 of the Mary Napier Ganier, et al Property as recorded in Book 4615, Page 82, R.O.D.C., TN;

Thence, leaving said margin, N 25°02'12" W, 366.07 feet to a new iron rod;

Thence, N 41°54'01" W, 242.80 feet to an old iron rod;

Thence, S 48°04'48" W, 230.08 feet to an old iron rod;

Thence, N 42°06'33" W, 119.92 feet to an old concrete monument, said point lying in the Southern margin of Interstate 40;

Thence, with said margin, N 48°06'37" E, 820.24 feet to an old iron rod;

Thence, N 48°15'50" E, 359.46 feet to an old concrete monument;

Thence, N 48°09'34" E, 1899.03 feet to an old concrete monument;

Thence, N 48°07'53" E, 763.73 feet to a new iron rod, said point lying in the West margin of Old Hickory Boulevard;

Thence, with said margin, S 71°10'04" E, 108.59 feet to a new iron rod;

Thence along a curve to the right having an arc length of 71.42 feet, a radius of 870.00 feet , and a chord bearing and distance of S 68°48'57" E, 71.40 feet to a new iron rod, said point being the Northwest corner of the U-Haul Company of Nashville property as described in Book 5945, Page 572, R.O.D.C., TN;

Thence, S 40°48'01" W, 321.21 feet to an old iron rod, said point being the Northeast corner of Lot 1 of the Charlotte Square Section 2 subdivision as recorded in Book 4660, Page 126, R.O.D.C., TN;

Thence, S 40°48'01" W, 568.34 feet to an old iron rod;

Thence, S 47°51'54" E, 591.92 feet to a new iron rod, said point being in the North line of the West Meade Condominium property as recorded in Book 5200, Page 430, R.O.D.C., TN, and being 37.76 feet from an old iron rod, the Northeast corner of said West Meade Condominium property;
Thence, S 43°38'27" W, 473.54 feet to a new iron rod;

Thence, S 47°25'33" E, 553.17 feet to a new iron rod lying in the Northern margin of said Charlotte Pike;

Thence, with said margin along a curve to the right having an arc length of 459.93 feet, a radius of 2824.89 feet, and a chord bearing and distance of S 59°44'56" W, 459.42 feet to a new iron rod;

Thence, N 25°36'17" W, 80.48 feet to a new iron rod;

Thence, S 64°41'57" W, 108.88 feet to a new iron rod, said point lying in the East line of the Metropolitan Government of Davidson County, Park Board property as described in Book 7478, Page 186, R.O.D.C., TN;

Thence, with said East line, N 48°03'57" W, 861.13 feet to an old iron rod;

Thence, S 41°18'09" W, 430.47 feet to an old iron rod;

Thence, S 48°04'16" E, 759.32 feet to a new iron rod in the Northern margin of said Charlotte Pike;

Thence, with said margin, S 65°04'58" W, 1666.50 feet to the Point of Beginning and Containing 66.98 Acres, or 2,917,794 Square Feet.

Being a portion of the same property conveyed to Grantor by the following instruments: 1) Successor Trustee's Quitclaim Deed dated October 29, 2003 from Albert F. Ganier, Jr., Successor Trustee, to Mary G. McGrath, Executrix of the Estate of Mary N. Ganier, of record as Instrument Number 20031031-0160275 in the Register's Office of Davidson County, Tennessee (Mary G. McGrath and Mary N. McGrath being one and the same person); 2) Deed dated July 5, 1949 from Commerce Union Bank, as trustee, to Mary Campbell Napier for life with the remainder to Mary Napier Ganier, both of whom have died, of record in Book 1729, page 287, Register's Office of Davidson County, Tennessee; 3) Last Will and Testament of Mary N. Ganier dated April 19, 2002, a certified copy of which is recorded as Instrument Number 20031210-0177181, Register's Office of Davidson County, Tennessee; and 4) Order of the Seventh Circuit Court for Davidson County, Tennessee Probate Division (No. 03P838) dated May 22, 2003, admitting said Last Will and Testament to probate and appointing Mary G. McGrath as Executrix of said Last Will and Testament, a certified copy of which Order is recorded as Instrument Number 20031210-0177182, said Register's Office.

EXHIBIT B

Encumbrances

1. Taxes for the year 2004, a lien, which are not yet due and payable. Tax Parcel No. 102/22; 102/23; 102/24; and 102/26.

2. ALL matters shown on Plat recorded in Book 332, page 68, Register's Office for Davidson County, Tennessee ("RODCT").

3. ALL matters shown on Plat recorded in Book 4675, page 82, RODCT.

4. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage, to Metropolitan Government of Nashville and Davidson County, recorded in Book 4164, page 664, RODCT.

5. Agreement for Dedication of Easement for Water Mains and Appurtenances, to Metropolitan Government of Nashville and Davidson County, recorded in Book 8883, page 613, RODCT.

6. Easement(s) to State of Tennessee, as set forth in instrument recorded in Book 3099, page 362, RODCT.

7. Lease in favor of Viacom Outdoor, of record as Instrument No. 20040105-0001183, RODCT.

8. Lease in favor of Viacom Outdoor, of record as Instrument No. 20040105-0001184, RODCT.

9. Easement(s) to Metropolitan Government of Nashville and Davidson County, recorded in Book 8883, page 620, RODCT.

10. Easement(s) to Metropolitan Government of Nashville and Davidson County, recorded in Book 3672, page 472, RODCT.

11. All matters shown on the ALTA/ACSM Land Title Survey of the property dated December 18, 2003 prepared by Littlejohn Engineering Associates Inc. (Paul G. Weatherford, R.L.S. No. 1941),1935 Twenty-First Avenue South, Nashville, Tennessee 37212, as last revised on January 26, 2004.