Davidson County DEEDWARR
Recvd: 02/02/04 12:21 5pgs
Fees:28.00 Taxes:1591.00
20040202-0012416

PREPARED BY:
COMMONWEALTH TITLE AGENCY OF NASHVILLE, INC.
333 GALLATIN ROAD SOUTH
MADISON, TN 37115

RETURN TO:
COMMONWEALTH TITLE AGENCY
OF NASHVILLE, INC.
333 GALLATIN RD. SOUTH
MADISON, TN 37115

WARRANTY DEED

THIS INDENTURE is made and entered into this **23rd** day of **January, 2004, by and between PATRICIA ANN STERRY KIMBRELL, A WIDOW, UNMARRIED, hereinafter called Grantor, and KELLY B. GUPTON and SUSAN GUPTON, HUSBAND AND WIFE, hereinafter called Grantees.**

W I T N E S S E T H: That for and in consideration of Ten Dollars ($10.00) and other good and valuable considerations, the receipt of which are hereby acknowledged, PATRICIA ANN STERRY KIMBRELL, A WIDOW, UNMARRIED, as Grantor, does hereby bargain, sell, transfer and convey unto KELLY B. GUPTON and SUSAN GUPTON, HUSBAND AND WIFE, hereinafter referred to as Grantees, their successors, heirs and assigns, all of that certain real estate located in DAVIDSON County, Tennessee, being more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, together with all right, title and interest of Grantor in and to all buildings and fixtures located on said real estate, and any easements and rights-of-way adjoining or abutting said real estate and any covenants and other rights appurtenant thereto (collectively, the "Property"). This conveyance of the "Property" and all covenants and warranties contained herein, are made expressly subject to the exceptions and other matters set forth in Exhibit "B", which is attached hereto and incorporated herein by reference.

This is improved property known as 8194 JACKMAN ROAD, JOELTON, TN 37080.

TO HAVE AND TO HOLD said land with the appurtenances, hereditaments, estate, title and interest unto Grantee, their successors, heirs and assigns forever. The Grantor covenants and agrees with the said Grantees that Grantor is lawfully seized and possessed of the said real estate and that Grantor has a good and lawful right to sell the same. The Grantor further covenants that the same is unencumbered except as otherwise set forth in Exhibit "B".

Grantor further covenants and binds herself and her successors, heirs and assigns, to warrant and forever defend the title to said Grantees, their successors, heirs and assigns, against the lawful claims of all person whomsoever.

WITNESS the hand and seal of Grantor on the day and year first above written.

Patricia Ann Sterry Kimbrell

PATRICIA ANN STERRY KIMBRELL
SIGNATURE OF SELLER

_____

SIGNATURE OF SELLER SPOUSE

INDIVIDUAL
STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, a Notary Public of said County and State, PATRICIA ANN STERRY KIMBRELL, A WIDOW, UNMARRIED, 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/she/they executed the within instrument for the purposes therein contained.

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

Notary Public

My Commission Expires: 5/30/2004

Name and Address of Property Owner:

KELLY B. GUPTON and SUSAN GUPTON, HUSBAND AND WIFE

8194 JACKMAN ROAD
JOELTON, TN 37080

Property Address:

8194 JACKMAN ROAD
JOELTON, TN 37080

Person Responsible for Taxes:

SAME

Map & Parcel #: MAP 5, PARCEL 6

AFFIDAVIT OF VALUE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is **$430,000.00** which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.

Affiant

Sworn to and subscribed before me, a Notary Public, this **23rd** day of **January, 2004.**

Notary Public

My Commission Expires: 5/30/2004

RETURN TO:

COMMONWEALTH TITLE AGENCY OF NASHVILLE, INC.
333 GALLATIN ROAD SOUTH
MADISON, TN 37115

EXHIBIT 'A'

PARCEL ONE: A certain tract or parcel of land located in the Fourteenth Civil District of Davidson County, Tennessee, containing one hundred fourteen and 54/100 (114.54) acres, more or less, being all of that tract of land containing one hundred forty-eight (148) acres more or less which was conveyed to James Arthur Sterry, he being designated in the deed as J.A. Sterry, by deed dated June 2, 1936, from Joseph R. West, Clerk and Master of the Chancery Court of Davidson County, Tennessee, of record in Book 999, page 363, of the Register's Office for said county, except that portion thereof containing thirty-three and 46/100 (33.46) acres more or less which was by deed dated December 9, 1953, of record in Book 2242, page 146, of the Register's Office for said County, conveyed by James Arthur Sterry, he being designated therein as J.A. Sterry, to J.C. Sterry and wife, Charleen Sterry, in which said conveyance the said James Arthur Sterry reserved an easement over a private Road on the property therein conveyed, all as set out in said deed.

The one hundred forty-eight (148) acres more or less tract which was conveyed to J.A. Sterry by deed from Joseph R. West, Clerk and Master of the Chancery Court of Davidson County, Tennessee, which is of record in Book 999, page 363, said Register's Office, is described as follows:

A tract of land consisting of one hundred forty-eight (148) acres more or less located in the Fourteenth Civil District of Davidson County, Tennessee, as per deed recorded in Book 231, page 147, said Register's Office, beginning at a white walnut and red bud tree in the west line of the Peter Knight home tract of land; running north with said line one hundred eighty-eight and one-half (188-1/2) poles to two bushes, a sugar tree and red bud; thence south 89-1/2 deg. east one hundred (100) poles to marked pointers in the center of Sulphur Branch of Sycamore Creek; thence south 15 degrees east thirteen and 6/10 (13.6 poles); thence south 10 degrees east thirteen and 6/10 (13.6) poles; thence south 23 degrees ten (10) poles; thence south 21 degrees east twenty-one (21) poles; thence south 24 degrees east twenty-seven and 3/4 (27-3/4) poles to an oak; thence south 31 degrees east fifty (50) poles to a hickory, spanish oak and ash; thence south 82-1/2 degrees west fifty-six (56) poles to a stake; thence south fifty-three (53) poles to a stake and pointer; thence west one hundred one (101) poles to the beginning.

The thirty-three and 46/100 (33.46) acres, a portion of the one hundred forth-eight (148) acres more or less tract hereinabove described, which was conveyed by the said James Arthur Sterry to J.C. Sterry and wife, Charleen Sterry, and the easement therein which was reserved to the said James Arthur Sterry, his heirs and assigns, in said deed dated December 9, 1953, of record in Book 2242, page 146, are described as follows:

Certain real estate in Davidson County, Tennessee, as follows:

Land in Davidson County, Tennessee, beginning at an iron pin in H.J. Sterry's west boundary line seventy-one (71) feet north of center line of Jackman Road, and is the northeast corner of W.A. Jackman's property. Thence running due west one thousand six hundred sixty-six and 5/10 (1,666.5) feet following the north boundary line of W.A. Jackman's property to a stake, originally white walnut and red bud; thence turning and running due north eight hundred seventy-four and 5/10 (874.5) feet following the east boundary line of W.A. Jackman's property to a stake two (2) feet north of three (3) inch twin dogwoods; thence turning and running due east one thousand six hundred sixty-six and 5/10 (1,666.5) feet passing a six (6) inch cedar at one hundred thirty-one (131) feet, also crossing two (2) branches, crossing the first branch at three hundred eighty-one (381) feet, the second branch at one thousand two hundred ten (1,210) feet, also crossing J.A. Sterry's private road at one thousand four hundred twenty-five and 7/10 (1,425.7) feet, running to a stake, this stake being the northwest corner of H.J. Sterry's property thence running due south eight hundred seventh-four and 5/10 (874.5) feet with the west boundary line of H.J. Sterry's property to the beginning, containing thirty-three and 46/100 (33.46) acres. Said property is part of J.A. Sterry's property located nine-tenths (0.9) miles east of the Nashville Springfield Highway on Jackman Road and is in the Fourteenth Civil District of Davidson County, State of Tennessee.

The above description states that the acreage is 114.54 acres, more or less; however, upon a subsequent survey by Bob Cummings, dated February 21, 1977, the property was found to have only 102.45 acres, more or less.

Being the same property conveyed to Young Edward Kimbrell and wife, Patricia Ann Kimbrell by Deed from Raymond L. Barrett, Clerk and Master, of record in Book 4990, page 180, and re-recorded in Book 5120, page 599, and Book 5296, page 121, Register's Office for Davidson County, Tennessee.

PARCEL TWO: A tract of land in the 14th Civil District of Davidson County, Tennessee, according to an unrecorded survey by Bob Cummings, Surveyor, Lic. No. 693, dated July 14, 1977, and being more particularly described as follows:

Beginning at a point on the northerly margin of Jackman Road, being the southwest corner of this tract and the southeast corner of a tract of land conveyed to C.C. Sterry, by deed of record in Book 4152, page 597, Register's Office for Davidson County, Tennessee; thence along the northerly margin of Jackman Road, N 77 deg. 51' East 89.60 feet to a point; thence N 75 deg. 39' East 118.67 feet to a point, being the southeast corner of this tract of land; thence leaving Jackman Road, N 8 deg. 22' West 173.48 feet to a point; thence N 3 deg. 44' East 144.65 feet to a point; thence N 46 deg. 45' East 116.60 feet to a point; thence N 28 deg. 01" East 81.27 feet to a point; thence N 33 deg. 05' East 552.45 feet to a point, being the northeast corner of this tract of land; thence along the southerly margin of a tract of land conveyed to Eddie Kimbrell by Deed of record in Book 4990, page 180, said Register's Office, S 83 deg. 42' West 532.69 feet to a point, being the northwest corner of this tract of land; thence along the easterly margin of the aforesaid C.C. Sterry tract, S 5 deg. 05' West 923.91 feet to the point of beginning, containing 5.93 acres, more or less.

Being the same property conveyed to Patricia Sterry Kimbrell and husband, Y.E. Kimbrell, by Deed from Paul Leon Sterry and wife, Elizabeth Sterry, H.J. Sterry, Jr., and wife, Barbie Sterry; and Peggy S. Briggs and husband, Sam L. Briggs, of record in Book 5194, page 411, and re-recorded in Book 5238, page 630, Register's Office for Davidson County, Tennessee.

PARCEL THREE: TRACT 1: Land in the 14th Civil District of Davidson County, Tennessee, being a part of the property conveyed to H.J. Sterry by deed of record in Book 670, page 203, said Register's Office, said part being described according to a survey made by Raymond P. Smith, Co., Surveyors, May 31, 1966, as follows: BEGINNING at a railroad spike in Jackman Road being at a point 8/10 of a mile more or less east of Whites Creek Pike; thence N 67 deg. 45 min. W 150.7 feet to a walnut tree; thence N 21 deg. 28 min. E 343.6 feet to an iron pin; thence N 32 deg. 38 min. E 430.0 feet to an iron pin; thence N 81 deg. 20 min. E 179.0 feet to a fence post; thence S 27 deg. 22 min. E 105.7 feet along an old fence line to a railroad spike in the center of Jackman Road; thence along a line in Jackman Road, S 31 deg. 05 min. W 5567.2 feet to a railroad spike; thence continuing in Jackman Road, S 38 deg. 25 min. W 238.2 feet to the point of beginning, containing 3.53 acres, more or less.

TRACT 2: Land in the 14th Civil District of Davidson County, Tennessee, described according to an unrecorded survey by Bob Cummings, Surveyor, License No. 693, dated 7/14/77 and being more particularly described as follows: BEGINNING at a point on the northerly margin of Jackman Road being the southwest corner of this tract and the southeast corner of a tract of land conveyed to H.J. Sterry, Jr., by Deed of record in Book _____, page _____, Register's Office for Davidson County, Tennessee, being Tract No. 2 on the aforesaid survey; thence along the northerly margin of Jackman Road N 58 deg. 2 min. E 62.86 feet to a point; thence N 52 deg. 38 min. E 103.24 feet to a point; thence N 49 deg. 1 min. E 57.75 feet to a point; thence leaving Jackman Road N 67 deg. 20 min. N 131.0 feet to a point; thence N 21 deg. 43 min. E 343.6 feet to a point; thence N 33 deg. 50 min. E 436.84 feet to a point; thence S 83 deg. 42 min. W 224.95 feet to a point; thence S 33 deg. 5 min. W 282.73 feet to a point; thence S 67 deg. 44 min. E 143.95 feet to a point; thence S 27 deg. 52 min. W 403.82 feet to a point; thence S 57 deg. 38 min. E 45.35 feet to a point; thence S 10 deg. 39 min. W 172.08 feet to the point of beginning, containing 2.06 acres, more or less.

Being the same property conveyed to Y.E. Kimbrell and wife, Patricia A. Kimbrell, by Deed from Michael J. Mainstruck, Jr., and wife, Paula R. Mainstruck, of record in Book 7513, page 922, Register's Office for Davidson County, Tennessee.

INCLUDED IN THE ABOVE DESCRIPTIONS BUT EXPRESSLY EXCLUDED FROM THE HEREIN CONVEYANCE ARE THE FOLLOWING TWO TRACTS OF LAND:

TRACT ONE: Land in the 14th Civil District of Davidson County, Tennessee, described as follows, to-wit: BEGINNING at an iron pin in the north margin of Jackman Road, the same being the southernmost corner of the Kimbrell property as described in a deed of record in Book 7513, page 922, Register's Office for Davidson County, Tennessee; thence leaving said road, North 10 degrees 39 minutes 00 seconds East 172.08 feet to an iron pin; thence North 57 degrees 38 minutes 00 seconds West 45.35 feet to an iron pin; thence North 27 degrees 52 minutes 00 seconds East 350.82 feet to an iron pin; thence South 36 degrees 41 minutes 35 seconds East 258.86 feet to an iron pin in the north margin of said road; thence with the margin of said road, South 39 degrees 32 minutes 13 seconds West 210.52 feet to an iron pin; South 49 degrees 01 minute 00 seconds West 57.75 feet to an iron pin; South 52 degrees 38 minutes 00 seconds West 103.24 feet to an iron pin; and South 57 degrees 46 minutes 54 seconds West 62.05 feet to the beginning, containing 1.72 acres, more or less.

TRACT 2: Land in Davidson County, Tennessee, described as follows: BEGINNING at an iron pin in the center of Jackman Road, the same being the northeast corner of a 1.72 acre tract belonging to Jason Bates and the southeast corner of this tract; thence with Bates' line, North 36 degrees 41 minutes 35 seconds West 279.49 feet to an iron pin, Bates' most northerly corner; thence North 57 degrees 38 minutes 00 seconds West 45.35 feet to an iron pin; thence South 80 degrees 8 minutes 00 seconds West 185.98 feet to an iron pin; thence North 33 degrees 05 minutes 00 seconds East 767.10 feet to an iron pin; thence South 26 degrees 32 minutes 09 seconds East 356.66 feet to an iron pin; thence South 49 degrees 01 minutes 00 seconds West 57.75 feet to an iron pin in the center of Jackman Road, thence with the centerline of said road, South 31 degrees 47 minutes 00 seconds West 567.20 feet to the beginning, containing 5.97 acres more or less.

Being the same property conveyed to Sammy Ray Adcock and wife, Tammy Diane Adcock, by Installment Deed from Y.E. Kimbrell and wife, Patricia A. Kimbrell, of record in Book 11521, page 597, Register's Office for Davidson County, Tennessee

EXHIBIT 'B'

1. All REAL PROPERTY taxes for the year 2004 and subsequent years, A LIEN, not yet due and payable (MAP 5, PARCEL 6).
2. Unrecorded easements for roads and utilities, if any.

3. Easement reserved to Grantor in Deed of record in Book 4990, page 180, and re-recorded in Book 5120, page 599, and Book 5296, page 121, said Register's Office.

4. Maintenance Agreement for private roadway, of record in Book 5987, page 924, said Register's Office.

5. If improvements are completed after January 1st of any year the law requires supplemental assessment for the year in which improvements are completed as defined by Statute. The Company will assume no liability for taxes assessed by correction pursuant to the provisions of T.C.A. 67-5-603, et seq.

6. Company assumes no liability for the exact amount of acreage in the subject property as there was no current survey provided at or prior to closing.