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THIS INSTRUMENT PREPARED BY:
Nashville Title Insurance Corporation
2818 Bransford Avenue
Nashville, TN 37204

Address New Owner(s)
James M. Johnson
131 Demoss Drive
Nashville, TN 37209

Send Tax Bills To:
SAME

Davidson County DEEDWARR
Recvd: 02/06/04 10:00 2pgs
Fees:13.00 Taxes:1295.00
20040206-0014610

Map & Parcel Nos.:
168-25.00

# SPECIAL WARRANTY DEED

**FOR AND IN CONSIDERATION** of the sum of **$350,000.00**, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **L. Maxwell Smith** (herein referred to as "Grantor") has this day bargained and sold and, by these presents, does hereby transfer and convey unto **James M. Johnson and Catherine Gail Johnson, husband and wife,** (herein referred to as "Grantee"), his heirs and assigns, forever, the following described tract or parcel of land located in Davidson County, Tennessee, to wit:

**LAND LOCATED IN THE 2ND CIVIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE ON THE WESTERLY SIDE OF SOUTH HARPETH ROAD, NORTH OF HIGHWAY 100 AND SOUTH OF SOUTH HARPETH COURT BOUNDED ON THE NORTH BY HAJIS AND DERRICK ON THE EAST BY SOUTH HARPETH ROAD AND ON THE SOUTH BY HOLT DESCRIBED ACCORDING TO A BOUNDARY SURVEY BY CAMPBELL, MCRAE AND ASSOCIATES SURVEYING INC. DATED 1-27-04 (JOHN HOOD TN. R.L.S.#1838)**
**AS FOLLOWS:**

**BEGINNING AT A NAIL (NEW) IN THE CENTERLINE OF SOUTH HARPETH ROAD, SAID NAIL BEING LOCATED IN A BRIDGE OVER A DRAIN CROSSING UNDER SAID SOUTH HARPETH ROAD AND BEING THE NORTHEAST CORNER OF THE SHIRLEY MAI HOLT LAND (INSTRUMENT #20010424-0040376 R.O.D.C., TN.) AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED LAND; THENCE LEAVING SAID ROAD WITH SAID HOLT S 60°00'00" W (PASSING AN IRON ROD (OLD) ON THE MARGIN OF SAID ROAD AT 29.98 FEET ) FOR A TOTAL DISTANCE OF 132.00 FEET TO AN IRON ROD (NEW); THENCE CONTINUING WITH SAID HOLT S 77°00'00" W (PASSING A WITNESS IRON ROD (NEW) AT 1644.50 FEET ) FOR A TOTAL DISTANCE OF 1844.50 FEET TO A POINT ON THE BANK OF THE SOUTH HARPETH RIVER; THENCE WITH THE BANK OF THE SOUTH HARPETH RIVER N 13°12'48" E 109.81 FEET TO A POINT ; THENCE N 37°09'26" E 41.33 FEET TO A POINT ; THENCE N 15°13'22" W 78.89 FEET TO A POINT ; THENCE N 02°24'38" E 229.27 FEET TO A POINT ; THENCE N 67°33'07" W 138.05 FEET TO A POINT IN THE LINE OF THE KENNETH H. HAISLIP LAND (BOOK 3218, PAGE 218 R.O.D.C., TN.); THENCE LEAVING SAID EAST BANK WITH THE SOUTHERLY LINE (FENCED) OF SAID HAISLIP N 75°09'39" E (PASSING A WITNESS IRON ROD (OLD) AT 200.00 FEET FOR A TOTAL DISTANCE OF 1658.77 FEET TO A FENCE CORNER POST; THENCE N 86°16'38" E (PASSING AN IRON ROD (NEW) ON THE MARGIN OF SAID ROAD AT 399.57 FEET ) FOR A TOTAL DISTANCE OF 424.67 FEET TO A NAIL (NEW) IN THE CENTERLINE OF SAID ROAD; THENCE WITH SAID CENTERLINE S 03°30'00" W 455.27 FEET TO THE POINT OF BEGINNING CONTAINING 23.72 ACRES MORE OR LESS.**

**BEING PART OF THE SAME PROPERTY CONVEYED TO LOVELL N. SMITH AND WIFE, MARY SMITH, BY DEED FROM LAURA JOSLIN HUTTON, MARGARET (MARJORIE) JOSLIN WILLS, AND MATTIE JOSLIN KING, ON JANUARY 29, 1949, OF RECORD IN BOOK 1681, PAGE 335, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. THE SAID LOVELL N. SMITH HAVING SINCE DIED LEAVING SAID PROPERTY TO MARY SMITH BY RIGHT OF SURVIVORSHIP. FURTHER, THE SAID MARY SMITH, ALSO KNOWN AS MARY W. SMITH SWEANEY, HAVING SINCE DIED ON JULY 28, 1994, AND LEAVING A WILL CONVEYING SAID PROPERTY TO L. MAXWELL SMITH.**

The property is subject to the following:

- Changes in the boundary of the subject property resulting from erosion or accretion caused by the flow of South Harpeth River.

- Title to that portion of the land lying below the ordinary low water mark of the South Harpeth River.

- Easement for the flow of the waters of the South Harpeth River and the rights of the public therein.

- Rights of upper and lower riparian owners to the flow of the waters of South Harpeth River, free from diminution or pollution.

TO HAVE AND TO HOLD said tract or parcel of land together with all the improvements thereon and the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns, in fee simple, forever.

GRANTOR COVENANTS with the said Grantee that he is lawfully seized and possessed of said property, that he has a good and lawful right to sell and convey the same, and that he is free from any lien or encumbrance whatsoever, except for applicable zoning and building regulations, all visible easements, restrictions and limitations of record, and **2004** real estate taxes, which are to be prorated.

GRANTOR FURTHER COVENANTS with the said Grantee and binds himself, his heirs/successors and assigns, to warrant and forever defend the title thereto of said tract or parcel of land to the said Grantee, his heirs and assigns, against the lawful claims and demands of all persons whomsoever.

ALL warranties of Grantor herein contained are expressly limited to those persons or parties claiming by, through or under Grantor.

WITNESS this the 5th day of February, 2004.

GRANTOR:

L. Maxwell Smith

STATE OF TENNESSEE )

COUNTY OF Davidson )

The actual consideration for this transfer is **$350,000.00**.

AFFIANT

Subscribed and sworn to before me, this 5th day of February, 2004.

NOTARY PUBLIC AT LARGE

ANDREW H. MALONEY NOTARY PUBLIC WILLIAMSON COUNTY, TENN.

My Commission Expires: 8/20/06

STATE OF TENNESSEE )
COUNTY OF Davidson )

Personally appeared before me, the undersigned, a Notary Public in and for said state and county, **L. Maxwell Smith**, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal at office this 5th day of February, 2004.

NOTARY PUBLIC

My Commission Expires: 8/20/06

ANDREW H. MALONEY NOTARY PUBLIC AT LARGE WILLIAMSON COUNTY, TENN.