19870

Box 36

PREPARED BY (AND RETURN TO):

WILKINS & IVEY
Attorneys At Law

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W & I Ref: Title No: 45338

Dav. Co. File: Box 8

Davidson County DEEDWARR
Recvd: 03/02/04 14:58 3pgs
Fees:18.00 Taxes:4902.50

20040302-0023662

ADDRESS NEW OWNER:	RESPONSIBLE FOR TAX PAYMENT:
Charles K. Kirby Lenora F. Kirby 1106 Belle Meade Blvd. Nashville, Tennessee 37205	

TAX MAP-PARCEL NUMBERS: 130-13-043

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of **$1,325,000.00** , cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Richard M. Bracken and Judith K. Bracken as Trustees for the RJ3 Family Trust, dated Sept. 26, 1997**, hereinafter called the **Grantor**, has bargained and sold, and by these presents does hereby transfer and convey unto **Charles K. Kirby and spouse, Lenora F. Kirby** hereinafter called the **Grantee**, Grantee's heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows: **To Wit:**

Land in Davidson County, Tennessee, being Lot No. 31 on the Plan of (Revised) B.E. Woodard's Warner Park Subdivision of record in Plat Book 1130, Page 87, Register's Office for said County.

Said Lot No. 31 fronts 200 feet on the southeasterly margin of Belle Meade Boulevard and extends back 300 feet on the southwesterly line and 340 feet on the northeasterly line to a broken line in the rear, measuring 245.4 feet thereon.

Being the same property conveyed to Richard M. Bracken and Judith K. Bracken as Trustees of the RJ3 Family Trust, dated Step. 26, 1997, by deed from James W. Guthrie and wife, Olivia P. Guthrie of record in Book 10657, Page 581 Register's Office for Davidson County, Tennessee.

Description Reference: Described according to (or by reference to) the recorded subdivision Plan.

This conveyance is subject to: Taxes for 2004, and subsequent years; The Plan, with Owner's Certificate, of record in Plat Book 1130 Page 87, said Register's Office, which Plan shows a 100 foot minimum building setback line from Belle Meade Boulevard and a 10 foot easement for public utility purposes along the rear and southerly side line(s)of said lot.

This instrument is executed for Richard M. Bracken, Trustee, by Judith K. Bracken as his Attorney-in-Fact pursuant to a Power of Attorney recorded concurrently herewith in order to verify his consent to this transfer. The affidavit of said Attorney in Fact is attached as "Exhibit A" to this instrument and incorporated herein by reference. Further, the referenced RJ3 Family Trust contains the following language:

"... If both Trustors are acting as Co-Trustees, the written approval of any one such Co-Trustee shall be sufficient to bind the Trust and Trust property."

This is improved property, known as: 1106 Belle Meade Blvd., Nashville, Tennessee 37205

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, Grantee's heirs or assigns, forever.

GRANTOR COVENANTS with the said Grantee that Grantor is lawfully seised and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out.

GRANTOR FURTHER COVENANTS and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS THE EXECUTION HEREOF this 27th day of February, 2004 .

Richard M. Bracken
Richard M. Bracken, Trustee By:Judith K. Bracken, Atty-in-Fact

Judith K. Bracken
Judith K. Bracken, Trustee

State of TENNESSEE
County of DAVIDSON

On this 27th day of February, 2004 , before me the undersigned authority, personally appeared **Judith K. Bracken** , to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged the execution as a free act and deed.

My Commission Expires: _____

PERCY WILKINS, JR. NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN. Expires MAY 30, 2004

Notary

State of TENNESSEE
County of DAVIDSON

AFFIDAVIT

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this transfer is: $1,325,000.00

Affiant

Sworn and subscribed before me this 27th day of February, 2004

My Commission Expires: _____

DAVID B. HERBERT NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN. NOTARY PUBLIC AT LARGE David B. Herbert My Commission Expires January 29, 2005 STATE OF TENNESSEE

Notary Public

JUNE E. ROWELL NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN. NOTARY PUBLIC AT LARGE JUNE E. ROWELL My Commission Expires JULY 29, 2006 STATE OF TENNESSEE

State of Tennessee
County of Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named , **Judith K. Bracken** with whom I am personally acquainted (or whose identity was proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument on behalf of **Richard M. Bracken** , as Attorney-in-Fact, as the free act and deed of the said Principal(s).

Witness my hand and official seal at Nashville, Tennessee, this 27th day of February, 2004

Notary Public

My Commission Expires:_____

PERCY WILKINS, JR. NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires MAY 30, 2004

EXHIBIT "A"
To
Warranty Deed

FROM: Richard M. Bracken and Judith K. Bracken TRS

TO: Charles K. Kirby and Lenora F. Kirby

State of Tennessee
County of Davidson

AFFIDAVIT

The undersigned Affiant, being first duly sworn, deposes and says as follows:

1. That the document to which this affidavit is exhibited is executed by the undersigned as attorney-in-fact for the principal(s) thereon shown.

2. That this execution is proper and within the scope of the power-of-attorney referenced in the instrument.

3. Pursuant to the provisions of *Tennessee Code Annotated,* Section 34-6-105(c), of the Uniform Durable Power of Attorney Act, the undersigned Affiant certifies that at the time of execution of said document the Affiant had no knowledge or notice of the termination of the power-of-attorney, either by revocation or by a principal's death, disability, or incapacity.

Further the Affiant Saith not.

Judith K. Bracken, Affiant

Sworn to and subscribed before me this
27th day of February, 2004

Notary Public

My Commission Expires:_____

PERCY WILKINS, JR. NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires MAY 30, 2004