Davidson County DEEDWARR
Recvd: 06/01/04 08:32 4pgs
Fees:23.00 Taxes:9472.00
20040601-0063425

WARRANTY DEED

THIS INDENTURE, made and entered into this 24 day of May, 2004, by and between **RMR INVESTMENT COMPANY, LLC,** a Tennessee limited liability company, party of the first part, and **CLEVELAND ASSOCIATES LIMITED PARTNERSHIP,** an Illinois limited partnership, as to a forty percent (40%) undivided interest as tenant in common, and **NORDMAN ASSOCIATES, INC.,** an Illinois corporation, as to a sixty percent (60%) undivided interest as tenant in common, party of the second part.

W I T N E S S E T H:

That for and in consideration of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey, and confirm unto the said party of the second part the following described real estate, situated and being in County of Davidson, State of Tennessee, to-wit:

PROPERTY DESCRIBED ON ATTACHED EXHIBIT "A"

The aforesaid property is conveyed and accepted subject to items shown on attached Exhibit "B".

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto appertaining unto the said party of the second part, its successors, and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except as aforesaid; and that the title and quiet possession thereto it will warrant and defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according to their gender and number according to the context thereof.

WITNESS the signature of the party of the first part the day and year first above written.

RMR INVESTMENT COMPANY, LLC

a Tennessee Limited Liability Company

BY: Robert M. Rogers

Robert M. Rogers

Chief Manager

STATE OF TENNESSEE

COUNTY OF SHELBY

Before me, a Notary Public in and for the State and County aforesaid, personally appeared **ROBERT M. ROGERS,** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Chief Manager of **RMR INVESTMENT COMPANY, LLC,** the within named bargainor, a Tennessee limited liability company, and that he as such Chief Manager, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as such Chief Manager.

WITNESS my hand and seal at office, on this 24 day of May, 2004.

Notary Public

My Commission Expires:

BOYD L. RHODES, JR. NOTARY PUBLIC AT LARGE SHELBY COUNTY, TENNESSEE My Commission Expires AUG. 17, 2005

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PROPERTY ADDRESS:
2012 West End Avenue
Nashville, TN

Tax Parcel I.D. #: 92-16-36.00

MAIL TAX BILLS TO:
(Person or Agency responsible for payment of taxes)

Cleveland Associates Limited Partnership
Nordman Associates, Inc.
8833 Gross Point Road, #306
Skokie, IL 60077
c/o: Neil Friedman

THIS INSTRUMENT PREPARED BY:
Boyd L. Rhodes, Jr., Esq.
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120-4367

State Tax
Register's Fee
Document Fee
Recording fee
Total $

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $2,560,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair voluntary sale.

Richard M Cohen agent
Affiant

SUBSCRIBED AND SWORN to before me this 26th day of May, 2004.

Notary Public

My Commission Expires:
February 5, 2005

OFFICIAL SEAL
PATRICIA L. BACHMAN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 2-5-2005

Being the same property conveyed to Grantor by Deed of record as Instrument No. 20030102-0000219.

Exhibit "A"

Property Description:

A tract of land situated in the 1st Civil District, 21st Councilmanic District of Nashville-Davidson County, Tennessee. Being Lot No. 1 as shown on the Plat Entitled Foodmaker Subdivision-First Revision as of record in Instrument No. 20001130-0117584 R.O.D.C., Tn., and being more particularly described as follows:

Beginning at a P.K. Nail (found this survey) in the Northerly Margin of West End Avenue, said nail being the Southeast Corner of the property conveyed to 2100 West End Associates, L.P. as evidenced in Deed Book 10356, Page 136 R.O.D.C., Tn. and also being the Southwest Corner for this hereon described tract of land; thence, with a common line to the aforementioned West End Associates, L.P. East line North 37°03'17" West 179.85' to a P.K. Nail (set this survey) in the Southerly Margin of a 15' Alley, being Alley #382; thence, with said margin of Alley #382 North 52°58'17" East 100.19' to a Metal Spike (found this survey), said Spike being the Northwest Corner of the property conveyed to Sherron Weinberger (Trustee) as evidenced in Deed Book 5011, Page 296 R.O.D.C., Tn., and also being the Northeast Corner for this tract of land; thence, with a line common to Weinberger's west Line South 36°59'47" East 179.96' to a P.K. Nail (set this survey) in the Southerly Margin of West End Avenue; thence, with said Margin South 53°01'55" West 100.00' to the Point-Of-Beginning Containing 18,008 Square Feet, or 0.41 Acres more or less.

Exhibit "B"
Permitted Exceptions

1. Davidson County taxes for 2004, not yet due and payable.

2. All matters as shown on the plat of record at Instrument No. 20001130-0117584, in the Register's Office of Davidson County, Tennessee.

3. Memorandum of Lease by and between RMR Investment Company, a Tennessee general partnership and Jack-In-The-Box, Inc., a Delaware corporation of record at Instrument No. 20000918-0092412, in said Register's Office.