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

Davidson County DEEDWARR
Recvd: 07/02/04 14:33 3pgs
Fees:18.00 Taxes:984.20
20040702-0079329

WARRANTY DEED

THIS INDENTURE is made and entered into this 30th day of June, 2004, by and between MICHAEL E. SMITH and JANICE A. SMITH, HUSBAND AND WIFE, hereinafter called Grantors, and MICHAEL G. EBY, hereinafter called Grantee.

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, MICHAEL E. SMITH and JANICE A. SMITH, HUSBAND AND WIFE, as Grantors, do hereby bargain, sell, transfer and convey unto MICHAEL G. EBY, hereinafter referred to as Grantee, 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 Grantors 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 8537 WHITES CREEK PIKE, 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 Grantors covenant and agree with the said Grantee that Grantors are lawfully seized and possessed of the said real estate and that Grantors have a good and lawful right to sell the same. The Grantors further covenant that the same is unencumbered except as otherwise set forth in Exhibit "B".

Grantors further covenant and bind themselves and their successors, heirs and assigns, to warrant and forever defend the title to said Grantee, their successors, heirs and assigns, against the lawful claims of all person whomsoever.

WITNESS the hands and seals of Grantors on the day and year first above written.

BY: Michael E. Smith by Gordon D. Carter Attorney-in-fact
MICHAEL E. SMITH
Signature of Seller

BY: Janice A. Smith by Gordon D. Carter Attorney-in-fact
JANICE A. SMITH
Signature of Seller

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, GORDON CARTER, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument on behalf of MICHAEL E. SMITH AND WIFE, JANICE A. SMITH, as their Attorney in Fact as the free act and deed of the within named MICHAEL E. SMITH AND WIFE, JANICE A. SMITH.

Witness my hand and official seal at Joelton, Tennessee the 30th day of June, 2004.

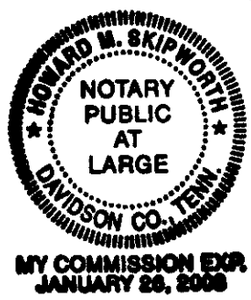
My Commission Expires:

Howard M. Skipworth
Notary Public

Name and Address of Property Owner:

MICHAEL G. EBY

8537 WHITES CREEK PIKE
JOELTON, TENNESSEE 37080



Property Address:

8537 WHITES CREEK PIKE
JOELTON, TN 37080

Person Responsible for Taxes:

SAME

Map & Parcel #: MAP 4, PARCEL 78

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 **$266000** 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 **30th** day of **June, 2004.**

Howard M. Skipworth
Notary Public

My Commission Expires:



RETURN TO:

COMMONWEALTH TITLE AGENCY OF NASHVILLE, INC.
333 GALLATIN ROAD SOUTH
MADISON, TN 37115 04-7442

EXHIBIT 'A'

A CERTAIN TRACT or parcel of land in Davidson County, State of Tennessee, described as follows, to-wit:

Land in the Fourteenth Civil District of Davidson County, Tennessee, being parcel number 78 on Davidson County Property Tax Map 4 and containing 6.0 acres, more or less.

This land is described as follows:

BEGINNING at a point North 313 feet from the center of Coopertown Road, said point being the southwest corner of the land herein described and the northwest corner of a tract of land conveyed to John H. Cooper, et al of record in Book 4071, page 859, Register's Office for Davidson County, Tennessee, thence, North 200 feet to an iron stake, thence, South 89 deg. 40 min. East 1,102 feet the margin of Highway 431; thence with the margin of said Highway South 13 deg. 30 min. East 50 feet, South 10 deg. East 166.5 feet to an iron stake; thence leaving said Highway North 88 deg. West 529.2 feet; thence South 6 deg. West 68.5 feet to said Cooper's northeast corner; thence with the line of said Cooper North 81 deg. 30 min. West 615.5 feet to the beginning, containing 6.0 acres more or less.
Being the same property conveyed to MICHAEL E. SMITH and JANICE A. SMITH, HUSBAND AND WIFE, by Warranty Deed from ANDREW J GILES & WIFE, JANICE GILES, of record in INSTRUMENT NUMBER 200004030033161, in the 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 4, PARCEL 78). 2003 real property taxes are PAID in the amount of 2119.68.

2. Unrecorded easements for roads and utilities, if any.

3. Restrictive Covenants of record in Book 4468, Page 559, Register's Office for DAVIDSON County, Tennessee.

4. Metropolitan Health Department letter setting forth sewage requirements, of record in Book 6023, page 376, said Register's Office.

5. Codes restrictions, of record in Book 7035, page 277, said Register's Office.

6. Easement for right-of-way of Coopertown Road.