# WARRANTY DEED

STATE OF TENNESSEE
County of Davidson
THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $98,980.00

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 9th July, 2004

Notary Public

My Commission Expires: 9/24/05
(AFFIX SEAL)

REGINA M. KEITH NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Davidson County DEEDWARR
Recvd: 07/12/04 13:59 2pgs
Fees:13.00 Taxes:366.23
20040712-0082678

**THIS INSTRUMENT WAS PREPARED BY**

**SETTLEMENT SERVICES OF TENNESSEE, LLC, 121 FIRST AVENUE, SOUTH, SUITE 200 FRANKLIN, TENNESSEE 37064 (615) 591-1156**

| Address of New Owners as Follows: | Send Tax Bills To: | Map Parcel No. |
|---|---|---|
| NVR, Inc., T/A Fox Ridge Homes<br>5115 Maryland Way<br>Brentwood, TN 37027 | SAME | Part of Map 58, Parcel 16 |

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid by the hereinafter named Grantee, and other good valuable consideration, the receipt of which is hereby acknowledged, We, **EATON'S CREEK REAL ESTATE INVESTORS FUNDS, LLC**, hereinafter called Grantor have bargained and sold, and by these presents do transfer and convey unto **NVR, INC., A VIRGINIA CORPORATION T/A FOX RIDGE HOMES**, hereinafter called Grantees, their heirs and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to-wit.

Land in Davidson County, Tennessee, being Lot No. (s) 57, 58, 63 and 64, on the Plan of Creekside Trails- Phase 3 of record as Instrument Number 20040615-0070696, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Being part of the same property conveyed to Eaton's Creek Real Estate Investors Fund, LLC by deed from Affortable Housing Resources, Inc. of record Book 10996, Page 941, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to:

a. Taxes for the year 2004 a lien not yet due and payable.

b. All matters on the Plan of Creekside Trail, Phase 3 of record in Instrument #20000426-0041282 and as amended by Instrument Number 20040615-0070696, Register's Office for Davidson County, Tennessee.

c. Restrictive covenants contained in an instrument of record in Instrument No. 20000915-0092002; Supplement amendment of record in Instrument No. 20011025-0117168 and Second Supplement amendment of record in Instrument No. 20020828-0103983, Register's Office for Davidson County, Tennessee.

d. Subject to Charter of Eaton's Creek Park Homeowners Association of record as Instrument No. 20011126-0128291, page 86, Register's Office for Davidson County, Tennessee.

e. Subject to Charter of Eaton's Creek Park Real Estate Investors Fund, LLC of record in Book 10871, Page 532, Register's Office for Davidson County, Tennessee.

f. Easements for Water Mains and Appurtenances of record in Book 6255, page 578, Register's Office for Davidson County, Tennessee.

g. Easement for sanitary sewers and/or storm drainage of record in Book 8326, page 230, Register's Office for Davidson County, Tennessee.

h. Subject to Storm Water Detention Agreement of record as Instrument No. 20031010-0150887, Register's Office for Davidson County, Tennessee.

i. Subject to temporary construction easements as set forth in Consent Judgment and Final Decree under Circuit Court for Davidson County, Tennessee, Docket No. 90C-3345.

j. Subject to the flow of Eaton's Creek and branches thereof.

k. No insurance is offered those portions of the premises enclosed within the bounds of Eaton's Creek Road.

l. Subject to lien for special assessments as contained in the restrictions.

m. Subject to the rights of others in and to the common areas and/or elements of Creekside Trails. Creek Road.

All existing and recorded easements, rights of way and restrictions, all zoning regulations, building restrictions and setback lines, if any, and easements or right of ways for public utilities.

unimproved: ( X )
This is improved: ( ) property, known as: **EATONS CREEK Lot(S) 57, 58, 63 And 64, Davidson County, TN**

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all person whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness OUR HANDS this 6th day of July, 2004.

Eaton's Creek Real Estate Investors Funds, LLC

John A. Beam, III, Chief Manager

John A. Beam, III
Chief Manager

STATE OF TENNESSEE

COUNTY OF

Before me, the undersigned a Notary Public within and for the State and County aforesaid, personally appeared John A. Beam, III with whom I am personally acquainted and who upon their oath(s) acknowledged himself to be the Chief Manager of Eaton's Creek Park Real Estate Investors Fund, LLC, and that he as such Chief Manager, being authorized so to do executed the foregoing instrument for the purpose therein contained, by signing the name of the limited liability company by himself as Chief Manager.

Witness my hand and official seal at office in Franklin, Tennessee on this the 6th day of June, 2004.

Regina M. Keith
Notary Public

REGINA M. KEITH NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My commission expires: 9/24/05