Davidson County DEEDWARR
Recvd: 07/30/04 15:56 5pgs
Fees:28.00 Taxes:426.21

20040730-0091841

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS PLC (JSS)
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238

# SPECIAL WARRANTY DEED

| Address New Owner: | Send Tax Bills To: | Map/Parcel Numbers: |
|---|---|---|
| Aucilla, LLC<br>2614 Dover Road<br>Raleigh, North Carolina 27608 | Same | 34-15-27<br>34-15-28 |

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS ($10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CARLYLE D. APPLE and CHARLES N. PARKER, Trustee for the Estate of Marilyn A. Baker (collectively, the "Grantor"), have bargained and sold, and hereby transfer and convey, to AUCILLA, LLC, a North Carolina limited and its successors and assigns (the "Grantee"), certain real property in Davidson County, Tennessee, more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD said property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee, forever.

This is unimproved property.

Said property is conveyed subject to the matters more particularly described on Exhibit B attached hereto.

Grantor covenants and binds itself and its heirs, representatives and successors to warrant specially and defend to Grantee forever the title to said property against the lawful claims of all persons claiming through or under Grantor (excluding claims arising out of the matters set forth above), but no further or otherwise.

[*Signature Page Follows*]

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed this 30th day of July 2004.

**GRANTOR:**

Carlyle D. Apple

Carlyle D. Apple

Charles N. Parker, Trustee

Charles N. Parker, Trustee for the Estate of Marilyn A. Baker

STATE OF TENNESSEE )

COUNTY OF Davidson )

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Carlyle D. Apple, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office this 30th day of July, 2004.

LAURA LINCOLN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN My Comm. Exp. Nov. 21, 2006

Notary Public

My Commission Expires:

_____

STATE OF TENNESSEE )

COUNTY OF Davidson )

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Charles N. Parker, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Trustee for the Estate of Marilyn A. Baker, and is authorized by the trust to execute this instrument on behalf of the trust.

WITNESS my hand, at office, this 30th day of July, 2004.

LAURA LINCOLN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN My Comm. Exp. Nov. 2004

Notary Public

My Commission Expires:

_____

STATE OF NC )

COUNTY OF Wake )

The actual consideration for this transfer or value of property transferred (whichever is greater) is $115,191.00.

AUCILLA, LLC

By: Aucilla LLC

Title: member

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

CECELIA MITCHELL NOTARY *** PUBLIC WAKE COUNTY N.C.

Notary Public

My Commission Expires:

March 1, 2009

## EXHIBIT A

LAND in Davidson County, Tennessee, being Lot Nos. 7 and 8, on the Plan of Rivergate Industrial Park, Section 2, as shown on plat of record in Plat Book 6900, page 239, in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.

BEING A PART of the same property conveyed to Hubert L. Baker and Carlyle D. Apple by Quitclaim Deed from Hubert L. Baker, Carlyle D. Apple, Larry D. Cummings, R. H. Pursell and Newell T. Pursell, Jr., d/b/a Rivergate Industrial Park of record in Book 7544, page 220, Register's Office for Davidson County, Tennessee. Further being a part of the same property in which Hubert L. Baker conveyed to Marilyn A. Baker all his right, title and interest, being a 40% interest in and to subject property by Quitclaim Deed of record in Book 8042, page 875, Register's Office for said County. The said Marilyn A. Baker having since died and pursuant to the Last Will and Testament of Marilyn A. Baker in the Probate Court for Davidson County, Tennessee, Charles N. Parker was appointed Trustee for the Estate of Marilyn A. Baker. Further by Quitclaim Deed of record in Book 8454, page 782, said Register's Office, the said Carlyle D. Apple and wife, Elizabeth G. Apple, Hubert L. Baker, unmarried, and Charles N. Parker, Trustee for the Estate of Marilyn A. Baker conveyed said property herein described unto Carlyle D. Apple, a 60% undivided interest and Charles N. Parker, Trustee for the estate of Marilyn A. Baker, a 40% undivided interest.

## EXHIBIT B

1. Taxes for the year 2004, a lien, which are not yet due and payable. Tax Parcel Nos. 34-15-27 and 34-15-28.

2. ALL matters shown on Plat recorded in Book 6900, page 239, Register's Office for Davidson County, Tennessee.

3. Deed of Conveyance to Metropolitan Nashville and Davidson County, Department of Water and Sewerage Services, of record in Book 7026, page 930, Register's Office for Davidson County, Tennessee.

4. Matters shown on survey by Philip E. Holmes, Jr., TRLS #1728, Volunteer Surveying, dated 7/27/04.