40-A

This Instrument Prepared By:
Gibson, Gregory & Gwyn, PLLC
201 Fourth Avenue, N. Suite 1900
Nashville Tennessee 37219

Davidson County DEEDWARR
Recvd: 08/04/04 15:10 2pgs
Fees:13.00 Taxes:123.03
20040804-0093820

ADDRESS NEW OWNER:

Christopher O'Neill
108 Otter Cove
Hendersonville, TN 37075

SEND TAX BILL:

New Owner

MORTGAGEE:
Capital Bank & Trust Company
1820 West End Ave
Nashville, TN 37203

MAP AND PARCEL:
MAP 082-08
PARCEL 115

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten ($10.00) Dollars, cash in hand paid by the Grantees named herein, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, **Shirley May Herndon, Devisee under the Last Will and Testament of Wayne Vincent Herndon**, ("Grantor"), has bargained and sold, and by these presents does transfer and convey unto **Christopher O'Neill**, ("Grantee"), their heirs, successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee (the "Property"), described as follows, to wit:

> Land in Davidson County, Tennessee, being Lot No. 11 on the Plan of Richmond Subdivision, as of record in Plat Book 974, page 19, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete legal description.
>
> Said Lot No. 11 fronts 50 feet on the north side of West Eastland Avenue, formerly Cleveland Street, and runs back between parallel lines 130 feet to a dead line.
>
> Being the same property conveyed to Wayne V. Herndon by deed from Hershel R. Blaylock and wife, Helen C. Blaylock, of record in Deed Book 6712, page 854, Register's Office for Davidson County, Tennessee. The said Wayne V. Herndon having since died. The said Wayne V. Herndon, being one and the same as Wayne Vincent Herndon, devised his property to Shirley May Herndon pursuant to the Last Will and Testament of Wayne Vincent Herndon of record in the Circuit Court Clerk's Office, Probate Division for Davidson County, Tennessee, under Docket No. 04P-1075.
>
> This conveyance is made subject to the real estate taxes for the current year, which have been prorated and assumed by Grantee, and such limitations and restrictions and easements as may affect the premises.

This is improved property known as 915 West Eastland Avenue, Nashville, TN 37206.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to Grantee, their heirs, successors and assigns, forever; and Grantor, does covenant with Grantee that they are lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is unencumbered unless otherwise herein set out; and Grantor does further covenant and bind themselves, their heirs, assigns and representatives, to warrant and forever defend the title to the Property to Grantee, their heirs, successors and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my hand this 3rd day of August, 2004.

Shirley May Herndon

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, of the state and county aforesaid, personally appeared Shirley May Herndon, Devisee under the Last Will and Testament of Wayne Vincent Herndon, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that they executed the foregoing instrument for the purposes contained therein.

Witness my hand and official seal this 3rd day of August, 2004.

Notary Public

CATHERINE H. GIBSON Notary Public At Large DAVIDSON COUNTY, TENN.

My Commission Expires: 1/29/05

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual value or consideration, whichever is greater, for this transfer is $33,250.00.

AFFIANT

Subscribed and sworn to before me
this 3 day of August, 2004.

NOTARY PUBLIC

My Commission Expires: 7/21/07

ANDREW B. GIBSON, JR. Notary Public At Large DAVIDSON COUNTY, TENN. My Commission Expires JUN 21, 2007