This Instrument Prepared by:
D. Jefferson Herring, Attorney
Suite 200, The Pilcher Building
144 Second Avenue North
Nashville, TN 37201

Davidson County DEEDWARR
Recvd: 08/30/04 09:11 5pgs
Fees:28.00 Taxes:92.50
20040830-0104238

# SPECIAL WARRANTY DEED

| | |
|---|---|
| **Grantor:** **Sherry L. Cox Nickens and Linda S. Choate** | |
| **Grantee:** **Dixieland Co., a Tennessee corporation** | |
| **County:** **Davidson, Tennessee.** | |
| **Name and Address of New Owner:** | **Send Tax Bills To: Same** |
| Dixieland Co.<br>108 South Main Street<br>Ashland City, TN 37015 | **Map and Parcel No. (s):**<br>Tax Map 55, Parcel 40 |
| **Affidavit of Consideration** | |
| STATE OF TENNESSEE)<br>COUNTY OF CHEATHAM) | |
| The actual consideration or value, whichever is greater, for this transfer is $25,000.00.<br><br>President, Dixieland Co.<br>Affiant | Subscribed and sworn to before me, this 25th day of August, 2004.<br><br>Notary Public<br>My commission Expires: |

**FOR AND IN CONSIDERATION** of the sum of ten dollars ($10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, **Sherry L. Cox Nickens** and **Linda S. Choate**, an unmarried person, (together, "Grantors") have this day bargained and sold, and do hereby transfer and convey unto **Dixieland Co.**, a Tennessee Corporation ("Grantee") and its successors and assigns, their entire interest in the real estate described in Exhibit A, attached hereto (the "Property").

**TO HAVE AND TO HOLD** the Property, with the appurtenances, estate, title and interest thereto belonging to Grantee, its successors and assigns forever. Grantors do hereby covenant with Grantee that Grantors have not made, done, executed, allowed or suffered any act, instrument or thing whatsoever whereby the Property, or any part thereof, now or at any time hereafter shall be charged or encumbered in any manner whatsoever.

Grantors further covenant and bind themselves, their heirs and representatives, to warrant and forever defend the title to the Property to Grantee, its successors and assigns, against the claims of all persons claiming by or through Grantors, but no further.

**IN WITNESS WHEREOF,** Grantors have signed this Special Warranty Deed effective the 25th day of August, 2004.

Sherry L. Cox Nickens

Sherry L. Cox Nickens

Linda S. Choate

By: _____
Henry Clay Barry
Attorney-in-Fact under Power of
Attorney Recorded with Register
of Deeds of Davidson County, Tennessee
as Instrument No. 20040607-0066700

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, **Sherry L. Cox Nickens**, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 19th day of August, 2004.

D. Jefferson Herring

Notary Public

My Commission Expires September 22, 2007.

D. JEFFERSON HERRING
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE)
COUNTY OF WILSON)

On this 23rd day of August, 2004, before me personally appeared **Henry Clay Barry**, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument in behalf of **Linda S. Choate,** acknowledged that such person executed the same as the free act and deed of **Linda S. Choate.**

WITNESS my hand and official seal at Lebanon, Tennessee, this 23rd day of August, 2004.

Patricia Lane Reed
Notary Public

My Commission Expires 3-21-06.

PATRICIA LANE REED NOTARY PUBLIC STATE OF TENNESSEE

The spouse of Sherry L. Cox Nickens, **James E. Nickens**, has joined in this conveyance for the purpose of releasing any rights, marital or otherwise, that he may have in the Property.

James E. Nickens

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, **James E. Nickens**, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 19th day of August, 2004.

D. Jefferson Herring
Notary Public

My Commission Expires September 22, 2007.

D. JEFFERSON HERRING NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

## EXHIBIT A

A parcel of land in the second civil district of Nashville, Davidson County, Tennessee, described according to the survey of Jeffrey K. Kimbro, R.L.S, Tennessee License Number 1756, Thornton & Associates, 1205 South Graycroft Avenue, Madison, TN 37115, File No. 04-895, as follows:

Bounded on the north by the southerly margin of State Route 12; bounded on the east by the John Warren & Rita Y. Dicker property as of record in Instrument No. 200402240020820, R.O.D.C., TN; bounded on the South by the northerly margin of Hydes Ferry Pike (Old Highway 12), and being more particularly described as follows:

Beginning at an iron pin (set), said point being the northwesterly corner of the John Warren & Rita Y. Dicker property as of record in Instrument No. 200402240020820, R.O.D.C., TN;

Thence, a common line with the John Warren & Rita Y. Dicker property as of record in Instrument No. 200402240020820 R.O.D.C., TN, S 33° 26' 45" W, 1475.46';

Thence, with the northerly margin of Hydes Ferry Pike (Old Highway 12), the following calls:

1) N 77° 06' 18" W, 159.66'
2) N 38° 01' 02" W, 103.92'
3) N 75° 17' 06" W, 190.75'

Thence, N 00° 53' 28" W, 477.78' to an existing right-of-way monument;

Thence, with the southerly margin of State Route 12 the following calls:

1) N 40° 57' 27" E, 81.81'
2) N 49° 26' 49" E, 96.53'
3) N 57° 44' 26" E, 115.60'

Thence, continuing with said margin and a curve to the left having a central angle of 27° 15' 22", a radius of 404.47', a length of 192.41', and a chord bearing and distance of N 44° 06' 45" E, 190.60';

Thence, N 18° 01' 06" E, 40.62 feet to an existing right-of-way monument;

Thence, continuing with said margin:

1) N 64° 40' 10" E, 366.35'
2) N 58° 33' 06" E, 292.20'

Thence, S 73° 05" 00" E, 286.79' to the point of beginning.

Containing 777.859 square feet, or 17.86 Acres, more or less.

Being the same property conveyed to Jim E. McCulloch (who is also known as Jim E. McCulloch, Jr.), a one-half undivided interest, and to Wayne M. McInturff and wife, Emma S. McInturff, the remaining one-half undivided interest, from John R. Reynolds, Administrator Cum Testamento Annexo of the Estate of Hooper Jones, Deceased, by deed of record in Book 9346, Page 888, Register's Office for Davidson County, Tennessee. The said Wayne M. McInturff having since died on February 23, 2000, his said interest in the Property vested fully in his surviving wife, Emma S. McInturff. And the said Emma S. McInturff having since died on March 8, 2001, her will was duly admitted to probate on April 24, 2001, and is lodged in Will Book 1816, Page 333978, Probate Clerk's Office for Davidson County, Tennessee. Because Emma S. McInturff was predeceased by her husband, Wayne M. McInturff, pursuant to her will her entire estate was bequeathed in equal shares to her daughters, Linda Sue Choate and Sherry Lynn Cox. Under the said will of Emma S. McInturff, real estate was not a part of the probate estate and the executor did not have power of sale. Thus, at the moment of death, the real estate, including the applicable interest in the Property conveyed hereunder, vested in the said heirs of Emma S. McInturff, Linda Sue Choate and Sherry Lynn Cox. At the time of the execution of this Deed, the Estate of Estate of Emma S. McInturff, Deceased, is still pending in the Seventh Circuit Court of Davidson County, Tennessee, and the Estate is solvent.

Linda Sue Choate, Linda S. Choate, Linda Choate Lichtgarn and Linda S. Choate Lichtgarn are one and the same person. Sherry Lynn Cox, Sherry L. Cox and Sherry L. Cox Nickens are one and the same person.

This conveyance is subject to any and all existing easements, sanitary sewers, utility or other easement, whether or not recorded as a public record.

This is unimproved property known as 4051 Bull Run Road, Nashville, Tennessee.

C:\Docs\EA\McInturff\BullRunSale\SpecWarrantyDeed.wpd