THIS INSTRUMENT PREPARED BY: **Mudter Morgan & Patterson** **Attorneys-at-Law** **2000 Richard Jones Road** **Suite 110** **Nashville, Tennessee 37215** **Record & Return To:** **First Title & Escrow Co., Inc.** **FTEC File No. 23368-09-2004** File Box 9B	STATE OF TENNESSEE, COUNTY OF DAVIDSON: The actual consideration or value, whichever is greater, for this transfer is: $212,900.00. Affiant Subscribed and sworn to before me this 14th day of September, 2004. Notary Public My Commission Expires:

GERALD G. PATTERSON NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires SEPT. 22, 2007

WARRANTY DEED

Address New Owner:	**Send Tax Bills To:**	**Tax Information:**
Terence M. Ness, Judith Ness 6952 Sunnywood Drive Nashville, TN 37211	New Owners	Map No.173.09-0A Parcel No. 55.00 CO

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, **Don B. Smithson, d/b/a Don B. Smithson Construction**, ("Grantor"), has this day bargained and sold, and does hereby transfer and convey to **Terence M. Ness and wife, Judith Ness** ("Grantee"), its successors, heirs and assigns, all that tract or parcel of land in Davidson County, Tennessee, more particularly described on Exhibit "A" hereto.

This is improved property located at 6952 Sunnywood Drive, Nashville, TN 37211

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title and interest thereto belonging, to Grantee, its successors, heirs and assigns, forever.

And Grantor covenants that it is lawfully seized and possessed of said real estate in fee simple, has a good right to convey it, and that the same is unencumbered, except as set out on Exhibit "A" hereto. Grantor further covenants and binds itself, its successors, heirs and assigns to warrant and forever defend the title to said real estate to Grantee, its successors, heirs and assigns against the lawful claims of all persons, except as set out on Exhibit "A" hereto.

Whenever used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this instrument on the 14th day of September, 2004.

Don B. Smithson

STATE OF TENNESSEE, COUNTY OF DAVIDSON SS.: 413-04-9558

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, aforesaid, **Don B. Smithson, d/b/a Don B. Smithson Construction**, 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 for the purposes therein contained.

Witness my hand, at office, this 14th day of September, 2004.

Notary Public

My Commission Expires

GERALD G. PATTERSON NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires SEPT. 22, 2007

Davidson County DEEDWARR
Recvd: 09/17/04 15:08 2pgs
Fees:13.00 Taxes:787.73

20040917-0112378

EXHIBIT "A"

Land in Davidson County, Tennessee, being Lot No. 201 on the Plan of Section Two Lenox Village II, as of record in Instrument No. 20030203-0014134, Register's Office for Davidson County, Tennessee to which plan reference is made for a more complete description.

Being the same property conveyed to Don B. Smithson and wife, Susan E. Smithson by deed dated December 16, 2003 from Lenox Village II, LLC, a Tennessee limited liability company of record in Instrument No. 20031229-0183126 by Quitclaim Deed dated January 28, 2004 and recorded as Instrument No. 20040219-0019451, Register's Office for Davidson County, Tennessee, Susan E. Smithson conveyed her interest in subject property to Don B. Smithson.

This conveyance is made subject to:

1. 2004 City/County Taxes which have been prorated and assummed by the Grantees.
2. Declaration of Covenants, Conditions and Restrictions for Lenox Village of record in Instrument No. 20020315-0032826, amended in Instrument No. 20021226-0158458, Register's Office for Davidson County, Tennessee, (omitting therefrom any covenants, conditions or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenants, conditions or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates tohandicap, but does not discriminate against handicapped persons).
3. Charter of Incorporation of Lenox Village Neighborhood Association, Inc. of record in Instrument No. 20020412-0045831, Register's Office for Davidson County, Tennessee.
4. Covenants, Conditions, Restrictions and Agreements, including the agreement to pay assessments for the maintenance of common areas, contained in the Master Deed (and By-Laws) for Lenox Village, of record in Instrument No. 20020315-032825, amended in Instrument No. 20021226-0158459, Register's Office for Davidson County, Tennessee.
5. Easement for the flow of a creek across the subject premises.
6. Easements to the Metropolitan Government of Nashville and Davidson County for sanitary sewers and/or storm drainage, of record in Instrument No. 20010918-0100850, Register's Office for Davidson County, Tennessee.
7. All matters appearing on the Plan of record as Book 421, page 146, Register's Office for Davidson County, Tennessee.
8. All matters appearing on the Plan of record as Instrument No. 20030203-0014134, Register's Office for Davidson County, Tennessee.
9. Rights of upper and lower riparian owners in and to the waters of an unnamed tributary of Mill Creek crossing or adjoining the property, and the natural flow thereof, free from diminution or pollution.
10. Storm water detention agreement of record in Instrument No. 20020628-0078164, Register's Office for Davidson County, Tennessee.