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. 23353-09-2004**	STATE OF TENNESSEE, COUNTY OF DAVIDSON: The actual consideration or value, whichever is greater, for this transfer is: $400,000.00. Affiant Subscribed and sworn to before me this 24th day of September, 2004. Notary Public My Commission Expires: _____

WARRANTY DEED

Address New Owner: Edward M. Spitzer, Kathleen M. Armour-Spitzer 165 Cheek Road Nashville, TN 37205	**Send Tax Bills To:** First Horizon Home Loans 2525 West End Ave. Suite 400 Nashville, TN 37203	**Tax Information:** Map No.130.09-0 Parcel No. 062.00

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, **Everett Carlton Durham**, unmarried ("Grantor"), has this day bargained and sold, and does hereby transfer and convey to **Edward M. Spitzer and wife, Kathleen M. Armour-Spitzer** ("Grantee"), their 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 165 Cheek Road, Nashville, TN 37205

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 24th day of September, 2004.

Everett Carlton Durham

Everett Carlton Durham

STATE OF TENNESSEE, COUNTY OF DAVIDSON SS.:

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, aforesaid, **Everett Carlton Durham**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 24th day of September, 2004.

Notary Public

My Commission Expires: _____

Davidson County DEEDWARR
Recvd: 09/29/04 08:31 2pgs
Fees:13.00 Taxes:1480.00
20040929-0116957

J. MICHAEL MORGAN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN.

NOTARY PUBLIC
AT LARGE
J. Michael Morgan
My Commission Expires
July 30, 2005
STATE OF TENNESSEE

EXHIBIT "A"

Being the east 20 feet of Lot No. 13 and the west 95 feet of Lot No. 14 of Block "D" and that part of a 25 foot street lying south of said lots, as shown on the Revised plan of the Highlands of Belle Meade No. 2, as of record in Book 843, page 18, Register's Office for said County.

Said parts of said lots and part of said street, as closed by instrument of record in Book 2145, page 337, Register's Office, adjoin and front together 115 feet on the south side of Cheek Road and run back between parallel lines, 200 feet to a dead line.

Being the same property conveyed to Joseph P. Durham etux Everett Carlton Durham by deed dated 1/14/63 from C.B. Gustafson etux Carolyn P. Gustafson of record in Book 3574, page 583, Register's Office for Davidson County, Tennessee. Joseph P. Durham having since died.

This conveyance is made subject to:

1. 2004 County Taxes which have been prorated by the parties and assummed by the Grantees.
2. All matters appearing on the Plan of record as Book 843, page 18, Register's Office for Davidson County, Tennessee.