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Davidson County DEEDQC
Recvd: 09/29/04 13:41 4pgs
Fees:23.00 Taxes:684.89
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QUITCLAIM DEED

FROM: James Kelly, M.D., Grantor

TO: Peggy Lustig Kelly, Grantee

This instrument Was Prepared by:
Pamela A. Taylor
Stites & Harbison PLLC
Eighteenth Floor
SunTrust Center
Nashville, Tennessee 37219

Address of New Owner(s):	Send Tax Bills To:	Map-Parcel Numbers:
Peggy Lustig Kelly 629 Harpeth Trace Drive Nashville, TN 37221	Same	Map 143-2-A Parcel 74 FB# 9D273001

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is One Hundred Eighty Five Thousand One Hundred and Five and 00/100 Dollars ($185,105.00).

Edith Marie Porter-Shirley as Attorney-in-fact for Peggy Lustig Kelly

Peggy Lustig, Affiant
By Edith Marie Porter-Shirley as
Attorney-In-Fact for Peggy Lustig Kelly

Sworn to and subscribed before me, this the 22nd day of September, 2004.

Michelle Ford

Notary Public

MICHELLE FORD NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires: November 25, 2006

My Commission Expires 11/25/06

FOR AND IN CONSIDERATION OF the sum of One Hundred Eighty Five Thousand One Hundred and Five and 00/100 Dollars ($185,105.00). the receipt and sufficiency of which are hereby acknowledged, **James Kelly, M.D., Grantor,** does hereby quitclaim unto the said **Peggy Lustig Kelly, Grantee,** her heirs, successors, and assigns, all of his right, title and interest in and

to that certain tract or parcel of land in **Davidson County,** State of Tennessee, described as follows, to-wit:

Land in Davidson County, Tennessee, being Lot No. 74 on the Plan of Resubdivision of Lots 73, 74 and 75, Phase Three, Harpeth Trace Estates, as of record in Plat Book 6250, page 941, Register's Office for said County, to which plan reference is made for a more complete description.

Being the same property conveyed to Peggy Lustig Kelly, Married, and James H. Kelly, Married, as Tenants in Common, by deed from Philip J. Marzullo and Wife, Sheryl M. Marzullo, husband and wife, of record in Book 10599, Page 905, said Register's Office.

This conveyance is made subject to: (1) taxes for the year 2004 and subsequent years; (2) Restrictions of record in Book 5120, page 208, Book 5120, page 918, corrected in Book 5182, page 767, Book 5178, page 138, Book 5182, page 769, Book 5380, page 357, Book 6274, page 148; (3) Easements of record in Book 4889, page 192, Book 5099, page 783, Book 5142, pages 690 and 694, Book 5360, page 320, Book 5364, page 882, Book 6407, page 892, Book 7629, page 243; (4) Charter of record in book 5120, page 199, amended in Book 6556, page 694; (5) Agreement of record in Book 5102, page 956; and (6) All matters appearing on the Plan of record in Plat Book 6250, page 941, said Register's Office.

This is improved property known as 629 Harpeth Trace Drive, Nashville, Tennessee 37221.

Witness my hand this 27 day of September, 2004.

James H. Kelly

JAMES KELLY, M.D.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, James H. Kelly M.D., a Notary Public of said County and State, James Kelly, M.D., 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 and official seal at Nashville, Tennessee, this 27 day of September, 2004.

Notary Public

My Commission Expires: January 23, 2007

JONATHAN D. WILLIAMS NOTARY PUBLIC AT LARGE MAURY COUNTY, TENN.

THIS INSTRUMENT PREPARED BY:
Linda R. Koon
Sherrard & Roe, PLC
424 Church Street, Suite 2000
Nashville, Tennessee 37219

GENERAL DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Peggy Lustig Kelly, now residing in Nashville, Tennessee, do hereby constitute and appoint, only in the event of my incapacity as defined below, my daughter, Edith Marie Porter-Shirley, as my true and lawful attorney-in-fact, with full power to generally manage and look after all of my property, interests and business affairs of every kind and character. If my daughter appointed herein dies, becomes incapacitated, or refuses to serve or continue to serve, then I appoint, in the following order, my son, Philip H. Lustig, III, or my son, John Bruce Lustig to serve as attorney-in-fact. Without limiting the foregoing general grant of power and authority, I specifically empower and authorize my attorneys-in-fact for me and in my name, place and behalf, to exercise all or any of the powers set forth in Tennessee Code Annotated § 34-6-109, as from time to time amended, to the extent applicable, the provisions of which are incorporated herein by this reference. In addition, my attorney-in-fact shall have the following specifically enumerated powers:

To ask, demand, collect, endorse where required, and receive all such checks, funds, debts, accounts, bequests, insurance, and all other benefits and demands whatsoever as are now or shall hereafter become due, owing, payable or belonging to me, from whatever source, and to have, use and take all lawful means in my name or otherwise for the recovery thereof, by suit or otherwise, and to compromise with respect to and give acquittance or releases and discharges for the same;

To purchase, rent, and otherwise acquire, and to sell, transfer, convey, lease, mortgage, pledge and otherwise dispose of or grant security interests in, and to contract for and with respect to, any form or type of real or personal property or interest in property;

To make deposits to, draw checks on or otherwise make withdrawals from any bank account or savings or loan account or other cash account in my name; and to enter and have free access to any safe deposit box in my name for the purpose of adding property thereto or removing property therefrom;

To subscribe for, purchase, sell, assign, pledge, endorse, or transfer any stocks, bonds, commercial paper, bank acceptance or any other security or negotiable instrument and collect the income therefrom;

To prepare or arrange for and sign any income or other tax return and make payment of any tax, and to arrange for and maintain any form of insurance;

To transfer any assets to a revocable trust created by me solely for my benefit during my life.

And to generally exercise the same control and power over all of my property and interest that I have or could exercise in person.

And for these purposes, I empower my said attorney to execute, acknowledge and deliver for me and in my name all such contracts, releases, receipts, checks and other instruments as my attorney deems proper; and any person dealing with my said attorney, shall not to any degree be responsible for the exercise of such discretion.

And I hereby give and grant unto my said attorney, full power and authority to do and perform every act necessary, requisite or proper to be done in and about the premises as fully as I might or could do if personally present, and I hereby ratify and confirm all that my said attorney shall lawfully do or cause to be done by virtue hereof.

And I hereby expressly provide that this power of attorney shall not be affected by my subsequent disability or incapacity, to the maximum extent provided by T.C.A. § 34-6-101 *et seq.*, or any other applicable law, it being my intent to create a durable general power of attorney.

Nothing contained in this instrument shall authorize my attorney-in-fact to make any decisions regarding medical treatment or health care, except as incidental to decisions regarding property and finances.

DETERMINATION OF MY INCAPACITY: For the purpose of this document, my incapacity shall be deemed to exist when my incapacity has been declared by a court of competent jurisdiction or upon presentation of a certificate executed by two (2) physicians licensed to practice in the state of my residence or in the state where I am hospitalized which states that in the physicians' opinion I am mentally incapable of managing my financial affairs. The effective date of such incapacity shall be the date of the decree adjudicating my incapacity, or the date of the physicians' certificate, as the case may be. If this original document has been recorded, a certified copy of the decree declaring my incapacity or the physicians' certificate shall be attached to the original of this document and recorded in the same county or counties in which the original is recorded. I shall be deemed to have regained capacity if there is a finding to that effect by a court of competent jurisdiction or upon presentation of a certificate executed by two (2) physicians licensed to practice in the state of my residence which states the physicians' opinion that I am mentally capable of managing my financial affairs. A certified copy of the decree declaring my capacity or the physicians' certificate shall be attached to the original of this document and recorded in the same county as the original if the original is recorded.

IN WITNESS WHEREOF, I have hereunto signed my name, this 12 day of May, 2002.

Peggy Lustig Kelly

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me, a Notary Public in and for the County and State aforesaid, personally appeared Peggy Lustig Kelly, the within named bargainor with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and seal of office in Nashville, Tennessee, this 12 day of May, 2002.

NOTARY PUBLIC

LINDA R. KOONCE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN

My Commission Expires:

1/28/06