Davidson County DEEDWARR
Recvd: 09/29/04 14:27 3pgs
Fees:18.00 Taxes:5180.00
20040929-0117278

**PREPARED BY:**
**COMMONWEALTH TITLE AGENCY OF NASHVILLE, INC.**
**333 GALLATIN ROAD SOUTH**
**MADISON, TN 37115**

# WARRANTY DEED

**THIS INDENTURE** is made and entered into this 16th day of September, 2004 by and between A V ENTERPRISES, A TENNESSEE GENERAL PARTNERSHIP , hereinafter called Grantor, and OHM SHIV SHANKAR, INC., A TENNESSEE CORPORATION, hereinafter called Grantee.

W I T N E S S E T H: That for and in consideration of Ten Dollars ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, A V ENTERPRISES, A TENNESSEE GENERAL PARTNERSHIP, hereinafter referred to as Grantor, does hereby bargain, sell, transfer and convey unto OHM SHIV SHANKAR, INC., A TENNESSEE CORPORATION, hereinafter referred to as Grantee, its successors and assigns, certain real estate located in DAVIDSON County, Tennessee, being more particularly described in Exhibit "A", which Exhibit is attached hereto and incorporated herein by reference, together with all right, title and interest of Grantor in and to any easements and rights-of-way adjoining or abutting said real estate and any covenants and other rights appurtenant thereto (the "Property"). This conveyance of the "Property" and all covenants and warranties contained herein, are made expressly subject to the exceptions and other matters set forth in Exhibit "B", which is attached hereto and incorporated herein by reference.

**This is improved property known as 6834 CHARLOTTE PIKE, NASHVILLE, TN 37209.**

**TO HAVE AND TO HOLD** said land with the appurtenances, hereditaments, estate, title and interest unto Grantee, its successors and assigns forever. The Grantor does covenant and agree with the said Grantee that Grantor is lawfully seized and possessed of the said real estate and that Grantor has a good and lawful right to sell the same. The Grantor further covenants that the same is unencumbered except as otherwise set forth in Exhibit "B".

Grantor further covenants and binds itself and its successors and assigns, to warrant and forever defend the title to said Grantee, its successorss and assigns, against the lawful claims of all persons whomsoever.

WITNESS the hand and seal of Grantor's duly authorized official on the day and year first above written.

**A V ENTERPRISES, A TENNESSEE GENERAL PARTNERSHIP**

by: Ajeya K. Upadhya
**AJEYA K. UPADHYAYA, GENERAL PARTNER**

by:
**VISHVINDER K. MADAN, GENERAL PARTNER**

**PARTNERSHIP**
**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

Before me, Denise C. Allis, a Notary Public of said State and County aforesaid, personally appeared AJEYA K. UPADHYAYA AND VISHVINDER K. MADAN, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged themselves to be all of the partners of A V ENTERPRISES the within named bargainor, a partnership, and that they as such partners, executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by themselves as partners.

Witness my hand and seal, this **16th** day of **September, 2004.**

Notary Public

DENISE C. ALLIS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENNESSEE

My Commission Expires: 5/24/2008

Name and Address of Property Owner:

**OHM SHIV SHANKAR, INC.**
**6834 CHARLOTTE PIKE**
**NASHVILLE, TN 37209**

Property Address:

**6834 CHARLOTTE PIKE**
**NASHVILLE, TN 37209**

Person Responsible for Taxes:

SAME

Map & Parcel #: MAP 102, PARCEL 50

## AFFIDAVIT OF VALUE

**STATE OF** Tennessee :
**COUNTY OF** Davidson :

I hereby swear or affirm that the actual consideration for this transfer, or value of the property or interest in property transferred, whichever is greater is **1400000** which amount is equal to, or greater than, the amount which the property, or interest in property transferred, would command at a fair and voluntary sale.

Affiant

Sworn to and subscribed before me, a Notary Public, this **16th** day of **September, 2004.**

Notary Public

DENISE C. ALLIS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENNESSEE

My Commission Expires: 5/24/2008

RETURN TO:

COMMONWEALTH TITLE AGENCY OF NASHVILLE, INC.
333 GALLATIN ROAD SOUTH
MADISON, TN 37115

04-7452

# EXHIBIT 'A'

A tract of land situated in the 2nd Civil District, 20th Councilmanic District of Nashville Davidson County, Tennessee and being lots Nos. 18 & 19 in the subdivision Mount Hickory of Record in Plat Book 332, page 68 R.O.D.C., Tn, and being more particularly described as per the survey of R.L. Montoya Land Surveying, R.L. Montoya, TN R.L.S. No. 697, dated August 30, 2004, as follows:

Beginning at a Concrete Highway Monument (found this survey) in the Northerly margin of Charlotte Pike and the Easterly Margin of the East-Bound access ramp Right-Of-Way of Interstate Route 40; thence, with said easterly Margin of Interstate 40 for the next 4 calls; North 15 deg. 28' 55" West 164.39' to a Concrete Highway Monument (found this survey); thence, North 11 deg. 44' 39" East 222.10' to a Concrete Highway Monument (found this survey); thence, North 43 deg. 10' 00" East 192.44 feet to a Iron Rod (set this survey); thence, North 43 deg. 16' 00" East 315.84' to a Concrete Highway Monument (found this survey), said Monument in the Westerly line of the property conveyed to Nashville West Shopping Center, LLC as evidenced in Instrument # 20010130-11507 R.O.D.C., Tn, and also being the Northeast corner for this hereon described tract of land; thence, South 42 deg. 23' 19" East 313.59' to a Iron Rod (found this survey) in the Easterly line of the property conveyed to Horizon Real Estate L.P. as evidenced in Instrument #20021018-128141 R.O.D.C., Tn.; thence, South 25 deg. 37' 02" East 110.60' to a Iron Rod (found this survey), said rod being the Northeast corner of the property conveyed to Norris R. Hall, Etux as evidenced in Deed Book 6231, page 387 R.O.D.C., Tn.l thence, with Hall's North Line South 71 deg. 26' 18" West 205.60' to a Iron Rod (found this survey), said rod being the Northwest corner of aforementioned Hall's Property; thence, with Hall's West line South 18 deg. 32' 46" East 200.20' to a iron Rod (set this survey) in the North Margin of Charlotte Pike; thence, with said margin of Charlotte Pike South 71 deg. 30' 49" West 503.42' to the point-of-beginning containing 263,078 S.F., or 6.04 acres more or less

Being the same property conveyed to A V ENTERPRISES, A TENNESSEE GENERAL PARTNERSHIP, by Warranty Deed from NASHVILLE ASSOCIATES, of record in Book 8194, page 568, Register's Office for DAVIDSON County, Tennessee.

# EXHIBIT 'B'

1. All REAL PROPERTY taxes for the year 2004 and subsequent years, A LIEN, not yet due and payable (MAP 102, PARCEL 50).

2. All matters as set forth on the Plan of record in Plat Book 332, page 68, said Register's Office, including any and all setback lines, easements, notes, restrictions, etc., as may be shown thereon.

3. Easement for Sanitary Sewers and/or Storm Drainage, of record in Book 3672, page 472, said Register's Office.

4. Easement for Sanitary Sewers and/or Storm Drainage, of record in Book 4164, page 664, said Register's Office.

5. Easement for vehicular, pedestrian and other traffic as fully described and reserved in Deed of record in Book 4164, page 673, and referenced in vesting Deed at Book 8194, page 568, said Register's Office.

6. Gas Main Extension Contract, of record in Book 4297, page 780, said Register's Office.