Davidson County DEEDWARR
Recvd: 10/15/04 11:13 2pgs
Fees:13.00 Taxes:3700.00
20041015-0124295

PORTION OF MAP 150; PARCEL 116

This Instrument Was Prepared By:
Patricia Quinn Robertson, Attorney
Yost and Robertson PLC
133 Holiday Court, Suite 208
Franklin, TN 37067
(615) 790-9678

Address new owners and
Send Tax Bills To:
Emeco Properties
PO B 219
Madison TN 37116-0219

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS ($10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, HAMILTON HILLS FUNERAL HOME, LLC, a Tennessee limited liablity company, Grantor, has bargained and sold and by these presents does transfer and convey unto API PROPERTIES 333, LLC, Grantee, its successors and assigns, the property located in Davidson County, Tennessee being described as follows:

> Land in Davidson County, Tennessee, being Lot 1 as shown on the Final Plat of Hamilton Hills Funeral Home of record at Instrument No. 20040415-0042525, Register's Office of Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description.
>
> Being a portion of the same property conveyed to Hamilton Hills Funeral Home, LLC by Warranty Deed of Heartland Nashville Limited Partnership, a Washington Limited Partnership, of record at Instrument No. 20010511-0049131, Register's Office of Davidson County, Tennessee.

TO HAVE AND TO HOLD the said property, together with all improvements and appurtenances thereunto belonging unto the said Grantee, its successors and assigns forever.

AND GRANTOR DOES COVENANT with the said Grantee that Grantor is lawfully seized and possessed of said property in fee simple, has a good and lawful right to sell and convey the same, and that it is free from any lien or encumbrance whatsoever, except as follows: Subject to matters shown on the plan of Hamilton Hills Funeral Home of record at Instrument No. 20040415-0042525, Register's Office of Davidson County, Tennessee; Restrictions as set forth in instrument of record in Book 8705, page 438, Register's Office of Davidson County, Tennessee; Right of way easement of record in Book 2544, page 420, Register's Office of Davidson County, Tennessee; Easement and right of way to Electric Power Board of record in Book 3434, page 71, Register's Office of Davidson County, Tennessee; Easement for sanitary sewer and/or storm drainage of record in Book 4896, page 538, Register's Office of Davidson County, Tennessee; Permanent over-hang easement and ingress and egress easement of record in Book 7049, page 346, Register's Office of Davidson County, Tennessee; Possibly subject to a right to sewer easement of record in Book 7242, page 574, Register's Office of Davidson County, Tennessee; Stormwater Detention Agreement of record at Instrument No. 20010725-0078811, Register's Office of Davidson County, Tennessee; Reciprocal Access Easement as set forth in instrument of record at Instrument No. 20040503-0050017, Register's Office of Davidson County, Tennessee; Right of first refusal contained in the Purchase Agreement between the parties dated September 10, 2004; Taxes for the year 2005 and future years.

AND GRANTOR DOES FURTHER COVENANT and bind itself its successors and representatives, to warrant and forever defend the title to said property, to the said Grantee, its

successors and assigns, against the lawful claims and demands of all persons whomsoever.

WITNESS the execution hereof on this the 12 day of October, 2004.

HAMILTON HILLS FUNERAL HOME, LLC

BY: _____
William W. Gregory, Jr., Chief Manager

STATE OF Tennessee)
)
COUNTY OF Davidson)

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared William W. Gregory, Jr., with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Chief Manager of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

Witness my hand and seal, at office, this 12th day of October, 2004.

_____
NOTARY PUBLIC

MARK A. ELLMORE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY

My Commission Expires: 11-25-06

STATE OF Tennessee)
)
COUNTY OF Davidson)

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is One Million Dollars ($1,000,000.00) which amount is equal to or greater than the amount which the property transferred would command at a fair voluntary sale.

William H Emery
AFFIANT

Sworn to and subscribed before me this 12th day of October, 2004.

_____
NOTARY PUBLIC

My Commission Expires: 11-25-06

MARK A. ELLMORE NOTARY PUBLIC AT LARGE DAVIDSON COUNTY

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