Return To: R-1821

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

Jack Case Wilson
Title Associates
103 Maple St.
Smyrna, TN 37167

WARRANTY DEED

THIS INDENTURE is made and entered into this 26th day of October, 2004, by and between AUBREY C. GRAVES and PHILLIP RAY TONEY, TROY LEE TONEY and BRIAN KEITH TONEY AND DEONDRIA RENEE KENDALL, hereinafter called Grantors, and JOSE HERNANDEZ and MARIA PENA, hereinafter called Grantees.

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 are hereby acknowledged, AUBREY C. GRAVES and PHILLIP RAY TONEY, TROY LEE TONEY and BRIAN KEITH TONEY AND DEONDRIA RENEE KENDALL, as Grantors, do hereby bargain, sell, transfer and convey unto JOSE HERNANDEZ and MARIA PENA, both unmarried*, hereinafter referred to as Grantees, their successors, heirs and assigns, all of that certain real estate located in DAVIDSON County, Tennessee, being more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, together with all right, title and interest of Grantors in and to all buildings and fixtures located on said real estate, and any easements and rights-of-way adjoining or abutting said real estate and any covenants and other rights appurtenant thereto (collectively, 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.

*as joint tenants with the right of survivorship

This is improved property known as 408 GATES ROAD, GOODLETTSVILLE, TENNESSEE 37072.

TO HAVE AND TO HOLD said land with the appurtenances, hereditaments, estate, title and interest unto Grantees, their successors, heirs and assigns forever. The Grantors covenant and agree with the said Grantees that Grantors are lawfully seized and possessed of the said real estate and that Grantors have a good and lawful right to sell the same. The Grantors further covenant that the same is unencumbered except as otherwise set forth in Exhibit "B".

Grantors further covenant and bind themselves and their successors, heirs and assigns, to warrant and forever defend the title to said Grantees, their successors, heirs and assigns, against the lawful claims of all person whomsoever.

BARBARA J. GRAVES, wife of AUBREY C. GRAVES, the Grantor herein, joins in the herein conveyance for the sole purpose of conveying any right, title and interest she may have in and to the property described herein, marital or otherwise.

VIVIAN MICHELLE TONEY, wife of PHILLIP RAY TONEY, the Grantor herein, joins in the herein conveyance for the sole purpose of conveying any right, title and interest she may have in and to the property described herein, marital or otherwise.

KELLI LYNN TONEY, wife of TROY LEE TONEY, the Grantor herein, joins in the herein conveyance for the sole purpose of conveying any right, title and interest she may have in and to the property described herein, marital or otherwise.

KIMBERLEE NICOLE TONEY, wife of BRIAN KEITH TONEY, the Grantor herein, joins in the herein conveyance for the sole purpose of conveying any right, title and interest she may have in and to the property described herein, marital or otherwise.

RICHARD JAMES KENDALL, husband of DEONDRIA RENEE KENDALL, the Grantor herein, joins in the herein conveyance for the sole purpose of conveying any right, title and interest he may have in and to the property described herein, marital or otherwise.

WITNESS the hands and seals of Grantors on the day and year first above written.

Aubrey C. Graves
AUBREY C. GRAVES
Signature of Seller

Barbara J. Graves
BARBARA J. GRAVES
Signature of Seller Spouse

Davidson County DEEDWARR
Recvd: 11/03/04 14:36 4pgs
Fees:23.00 Taxes:492.02

20041103-0132660

PHILLIP RAY TONEY
Signature of Seller

VIVIAN MICHELLE TONEY
Signature of Seller Spouse

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, PHILLIP RAY TONEY, JOINED BY HIS WIFE, VIVIAN MICHELLE TONEY, the within named bargainors, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purpose therein contained.

Witness my hand, at office, this 26th day of October, 2004.

Barbara Black
Notary Public

My Commission Expires: _____

BARBARA BLACK NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 26, 2005

TROY LEE TONEY
Signature of Seller

KELLI LYNN TONEY
Signature of Seller Spouse

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, TROY LEE TONEY, JOINED BY HIS WIFE, KELLI LYNN TONEY, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purpose therein contained.

Witness my hand, at office, this 26th day of October, 2004.

Barbara Black
Notary Public

My Commission Expires: _____

BARBARA BLACK NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 26, 2005

BRIAN KEITH TONEY
Signature of Seller

KIMBERLEE NICOLE TONEY
Signature of Seller Spouse

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, BRIAN KEITH TONEY, JOINED BY HIS WIFE, KIMBERLEE NICOLE TONEY, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purpose therein contained.

Witness my hand, at office, this 26th day of October, 2004.

Barbara Black
Notary Public

My Commission Expires: _____

BARBARA BLACK NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 26, 2005

DEONDRIA RENEE KENDALL
Signature of Seller

RICHARD JAMES KENDALL
Signature of Seller Spouse

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, DEONDRIA RENEE KENDALL, JOINED BY HER HUSBAND, RICHARD JAMES KENDALL, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purpose therein contained.

Witness my hand, at office, this 26th day of October, 2004.

Barbara Black
Notary Public

My Commission Expires: _____

BARBARA BLACK NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 26, 2005

INDIVIDUAL
STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **AUBREY C. GRAVES and his wife, BARBARA J. GRAVES,** the within named bargainors, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 26th day of **October, 2004.**

Barbara Black
Notary Public

BARBARA J. BLACK NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires:
My Commission Expires NOV. 26, 2005

Name and Address of Property Owner:

JOSE HERNANDEZ and MARIA PENA

408 GATES ROAD
GOODLETTSVILLE, TENNESSEE 37072

Property Address:

408 GATES ROAD
GOODLETTSVILLE, TENNESSEE 37072

Person Responsible for Taxes:

Ivanhoe Financial
604 Courtland St. #320
Orlando, FL 32804

Map & Parcel #: MAP 33-8, PARCEL 53

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 **$132979** 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.

Nikki McKinney
Affiant

Sworn to and subscribed before me, a Notary Public, this **8th** day of **October, 2004.**

Heather Lee
Notary Public

My Commission Expires: 6-18-05

HEATHER LEE NOTARY PUBLIC AT LARGE RUTHERFORD CO., TENN.

RETURN TO:

~~RUBY TITLE~~

EXHIBIT 'A'

BEING Lot No. 139 on the Plan of Gatewood, Section I, of record in Book 3300, pages 47 to 52, both inclusive, Register's Office for said County.

BEGINNING at a point in the westerly margin of Monica Avenue at the corner of Lots No. 139 and 167; thence with the line between said lots, southwesterly 97.8 feet to a corner of Lot No. 140; thence with the line between Lots Nos. 139 and 140, northwesterly 163.4 feet to the southeasterly margin of Gates Road; thence with the margin of the same, northeasterly 105.7 feet to the beginning of a curve; thence around said curve, easterly 38.8 feet to the margin of Monica Avenue; thence with the margin of the same, southeasterly 175.7 feet to the point of beginning.

Being the same property conveyed to ERVIN TONEY AND WIFE, REBA TONEY, a/k/a REBA IRENE TONEY, by Warranty Deed from GLEN HARRISON DANIEL AND WIFE, JOYCE ANN BUTLER DANIEL, of record in Book 4279, page 205, Register's Office for DAVIDSON County, Tennessee. The said ERVIN TONEY predeceased his wife, REBA TONEY, a/k/a REBA IRENE TONEY, at which time she became vested with said property as the surviving spouse. REBA TONEY, a/k/a REBA IRENE TONEY, died testate on January 11, 2004, and pursuant to her will, of record in Will Book 5603, page 1456633, Probate Court for Davidson County, Tennessee, the property was devised to her children, AUBREY C. GRAVES AND DONALD RAY TONEY. DONALD RAY TONEY predeceased his mother, REBA TONEY, a/k/a REBA IRENE TONEY on June 7, 2002, and his heirs at law are PHILLIP TONEY, TROY TONEY, BRIAN TONEY AND DEONDRIA KENDALL, all sui juris.

EXHIBIT 'B'

1. All DAVIDSON COUNTY REAL PROPERTY taxes for the year 2005 and subsequent years, A LIEN, not yet due and payable (MAP 33-8, PARCEL 53).

2. All GOODLETTSVILLE CITY REAL PROPERTY taxes for the year 2005 and subsequent years, A LIEN, not yet due and payable (MAP 33-8, PARCEL 53).

3. All matters as set forth on the Plan of Gatewood, Section I, of record in Plat Book 3300, pages 47-52, Register's Office for Davidson County, Tennessee, including any and all setback lines, easements, notes, restrictions, etc., as may be shown thereon, including, buy not limited to:

   a. 30 foot Minimum Building Setback Line from Gates Road.

   b. 40 foot Minimum Building Setback Line from Monica Avenue.

   c. Overhang Easement at North corner of said lot.

   d. 10 foot Public Utility Easement at the Easterly lot line.