Davidson County DEEDWARR
Recvd: 11/08/04 11:37 5pgs
Fees:28.00 Taxes:47644.40

20041108-0134206

First American Title Insurance Co.
6077 Primacy Parkway, Suite 121-B
Memphis, TN. 38119 NCS-113057TN3F CKW

| Address of New Owner: | Send Tax Bills to: | Map-Parcel No. |
|---|---|---|
| White Oaks Heritage, LLC<br>c/o Paul Savad, Esq.<br>55 Old Turnpike Road, Suite 209<br>Nanuet, NY 10434 | Same | Map: 86-0<br>Parcel: 188 |

PREPARED BY: WALLER LANSDEN DORTCH & DAVIS, PLLC, James R. Cheshire, III, Esq., 511 Union Street, Suite 2700, Nashville, TN 37219-1760

STATE OF NEW YORK )
COUNTY OF NEW YORK )

The actual consideration or value, whichever is greater, for this transfer is $ 12,876,864.00

Affiant Steven Green, President of Grantor

Subscribed and sworn to before me, this the 20th day of October, 2004.

Notary Public

JOHN M. MURRAY
Notary Public, State of New York
No. 4618009
Qualified in Westchester County
Commission Expires May 31, 2007

My Comm. Expires: _____

# SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars, cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt of which is hereby acknowledged, WHITE OAKS ASSOCIATES, a Tennessee limited partnership, hereinafter called the GRANTOR, has bargained and sold, and by these presents does transfer and convey unto WHITE OAKS HERITAGE, LLC, a Tennessee limited liability company, hereinafter called the GRANTEE, its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described on Exhibit A attached hereto and incorporated by reference herein.

This is improved property known as 5610 Old Hickory Boulevard, Nashville, Tennessee 37218-3506.

TO HAVE AND TO HOLD the said real property together with all buildings, other improvements, appurtenances and hereditaments thereunto belonging or in any wise appertaining to GRANTEE, its successors and assigns forever.

GRANTOR further covenants and binds itself, its representatives, successors and assigns to warrant specially and forever defend the title to said real estate to GRANTEE, its successors and assigns, against the lawful claims of all persons claiming through and under GRANTOR, other than claims arising out of

the matters set forth on **Exhibit B** attached hereto and incorporated herein by reference, but not further or otherwise.

IN WITNESS WHEREOF, GRANTOR has caused this Special Warranty Deed to be executed on the ___ day of October, 2004.

WHITE OAKS ASSOCIATES,
a Tennessee limited partnership

By: WHITE OAKS REALTY CORP.,
a Delaware corporation

Its: General Partner

By: _____
STEVEN GREEN

Its: President

STATE OF NEW YORK )
COUNTY OF NEW YORK )

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared **STEVEN GREEN**, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged himself to be President of White Oaks Realty Corp., a corporation and the sole general partner of White Oaks Associates, the within named bargainor, a Tennessee limited partnership, and that he, as such President of White Oaks Realty Corp., the sole general partners of White Oaks Associates, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of White Oaks Associates by White Oaks Realty Corp. by himself as such President.

Witness my hand and seal, at office in New York City, New York, this the 20th day of October, 2004.

_____
NOTARY PUBLIC

My Commission Expires: _____

JOHN M. MURRAY
Notary Public, State of New York
No. 4618009
Qualified in Westchester County
Commission Expires May 31, 2007

# EXHIBIT A

## Legal Description

Being a parcel of land in Nashville, Second Civil District, Thirteenth Councilmanic District, Davidson County, Tennessee, located on the easterly side of Old Hickory Boulevard, north of Central Pike, being a part of Lot No. 1 as shown on the plan of Hermitage Woods, Phase I, as of record in Book 4460, page 82, and amended by Surveyor's Certificate of Correction of record in Book 4615, page 938, R.O.D.C., and being more particularly described as follows:

BEGINNING at a point in the easterly right of way line of Old Hickory Boulevard, said point being the northerly terminus of a curve return to northerly right-of-way line of Hermitage Woods Drive, a private drive:

THENCE, with said northerly line and the southerly line of Phase II-A, Hermitage Woods Condominium Apartments as of record in Book 4860, pages 62, 63 and 64, R.O.D.C., and the southerly line of property conveyed to Hermitage Creste Apartments, L.P. by deed of record in Book 8516, page 754, R.O.D.C., the following calls:

With a curve to the left 26.21 feet to a point, said curve having a central angle of 30°01'48", a radius of 50.00 feet, a tangent of 13.41 feet and a chord of N 72°13'10" E, 25.91 feet;

With a curve to the left 215.15 feet to a point; said curve having a central angle of 58°25'00", a radius of 211.02 feet, a tangent of 117.98 feet and a chord of N 27°59'46" E, 205.95 feet;

N 00°51'00" E, 451.83 feet to a point;

With a curve to the right 304.14 feet to a point, said curve having a central angle of 52°09'00", a radius of 334.15 feet, a tangent of 163.52 feet and a chord of N 25°39'30" E, 293.75 feet;

N 51°44'00" E, 2.00 feet to a point;

With a curve to the left 37.46 feet to a point in the westerly right-of-way line of Rockwood Drive, a private drive and the easterly line of the aforementioned Hermitage Creste Apartments, L.P. property, said curve having a central angle of 85°50'37", a radius of 25.00 feet, a tangent of 23.25 feet, and a chord of N 08°48'30" E, 34.05 feet;

THENCE, with said line with a curve to the right 386.41 feet to a point, said curve having a central angle of 30°10'27", a radius of 733.73 feet, a tangent of 197.80 feet, and a chord of N 19°01'30" W, 381.96 feet;

THENCE, leaving said line with the southerly line of property conveyed to Randall Phillips Builders, Inc., by deed of record in Book 5584, page 274, R.O.D.C., the following calls:

N 84°00'00" E, 656.95 feet to a point;
N 49°00'00" E, 335.00 feet to a point;
S 56°30'00" E, 100.00 feet to a point;
N 39°00'00" E, 125.00 feet to a point;

S 58°59'00" E, 110.00 feet to a point in the westerly line of Margaret Robertson Garden Apartments as of record in Book 5200, page 447, R.O.D.C.;

THENCE, with said line S 25°31'00" W, 550.35 feet to a point;

THENCE, continuing with said line S 15°29'00" E, 650.00 feet to a point;

THENCE, with the westerly line of Lot No. 104 as shown on the plan of Resubdivision of Lots 104-108, Hermitage Woods, Section 3A as of record in Book 5190, page 652, R.O.D.C., S 32°31'00" W, 200.36 feet to a point on the southerly right-of-way line of Rockwood Drive;

THENCE, with said line the following calls:

N 57°29'00" W, 678.75 feet to a point;

With a curve to the right 310.44 feet to a point, said curve having a central angle of 19°13'00", a radius of 925.60 feet, a tangent of 156.69 feet and a chord of N 47°52'21" W, 308.99 feet;

With a curve to the left 39.27 feet to a point on the southerly right-of-way line of Hermitage Woods Drive, said curve having a central angle of 90°00'00", a radius of 25.00 feet and a chord of N 83°15'57" W, 35.36 feet;

THENCE, with said southerly right-of-way line the following calls:

With a curve to the left 249.53 feet, to a point, said curve having a central angle of 52°09'00", a radius of 274.15 feet, a tangent of 134.16 feet, and a chord of S 25°39'38" W, 241.00 feet;

S 01°41'00" E, 451.83 feet to a point;

With a curve to the right 276.83 feet to a point, said curve having a central angle of 54°30'11", a radius of 291.02 feet, a tangent of 149.90 feet and a chord of S 26°02'22" W, 266.51 feet;

With a curve to the left 74.43 feet to a point in the easterly right-of-way line of Old Hickory Boulevard, said curve having a central angle of 85°17'27", a radius of 50.00 feet, a tangent of 46.05 feet, and a chord of S 10°38'44" W, 67.75 feet;

THENCE, with said right-of-way line N 32°00'00" W, 135.13 feet to the point of beginning.

Containing 876,627 square feet or 20.12 acres, more or less.
Being part of the same property conveyed to White Oaks Associates, a Tennessee Limited Partnership, by deed from Bert A. Betts, et al. as trustees of Fidelity Mortgage Investors of record in Book 4866, page 870, Register's Office for Davidson County, Tennessee.

# EXHIBIT B

## Permitted Encumbrances