Davidson County DEEDWARR
Recvd: 12/10/04 11:24 4pgs
Fees:23.00 Taxes:1572.50
20041210-0147255

# GENERAL WARRANTY DEED

FROM: WALCO DEVELOPMENT, L.L.C., a Tennessee limited liability company, Grantor

TO: HALLMARK AT FISK APARTMENTS, L.P., a Tennessee limited partnership, Grantee

This instrument was prepared by:
Hannah K.V. Cassidy, Esq.
Stites & Harbison PLLC
424 Church Street, Suite 1800
Nashville, Tennessee 37219

PICK-UP

| Address New Owner(s) as follows: | Name and Address of the Person or Entity Responsible for the Payment of Real Property Taxes | Map-Parcel Numbers |
|---|---|---|
| City View Center<br>1031 Zorn Avenue, Suite 1400<br>Louisville, Kentucky 40207 | Same | 092-08-0 003.00<br>092-08-0 003.01<br>092-08-0 004.00 |

STATE OF Tennessee )
COUNTY OF Davidson )

The actual consideration or value, whichever is greater, for this transfer is Four Hundred Twenty Five Thousand and NO/100 Dollars ($425,000.00).

Affiant

SUBSCRIBED AND SWORN TO before me, this the 8th day of December, 2004.

Notary Public

My Commission Expires: 5/28/06

CHRISTINA DORSEY WILSON NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN. My Commission Expires

FOR AND IN CONSIDERATION OF the sum of Four Hundred Twenty Five Thousand and NO/100 Dollars ($425,000.00), the receipt and sufficiency of which are hereby acknowledged, WALCO DEVELOPMENT, L.L.C., a Tennessee limited liability company ("Grantor"), has bargained and sold, and by these presents does transfer and convey unto HALLMARK AT FISK APARTMENTS, L.P., a Tennessee limited partnership ("Grantee"), its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

The Property is unimproved property located on 17th Avenue North, Nashville, Tennessee 37208 (exact street address unknown).

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with the appurtenances, estate, title and interest thereto belonging to Grantee, its successors and assigns forever.

And Grantor does covenant with Grantee that Grantor is lawfully seized and possessed of the Property in fee simple, Grantor has a good right to convey the Property, and the Property is unencumbered and unrestricted except as to those matters set forth on Exhibit B, to which this conveyance is expressly made subject.

Grantor does further covenant and bind Grantor, its successors and assigns, to warrant and forever defend the title to the Property to Grantee, its successors and assigns against the lawful claims of all persons whomsoever except as to those matters set forth on Exhibit B, to which this conveyance is expressly made subject.

Witness my hand this 8TH day of December, 2004.

WALCO DEVELOPMENT, L.L.C.

By: Alan Mark Cohen
Alan Mark Cohen, Chief Manager

STATE OF Tennessee )
)
COUNTY OF Davidson )

Before me, Christina Dorsey Willow, a Notary Public of said County and State, personally appeared Alan Mark Cohen, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Chief Manager (or other officer authorized to execute the instrument) of WALCO DEVELOPMENT, L.L.C., the within named bargainor, a Tennessee limited liability company, and that he as such Chief Manager executed the foregoing instrument for the purposes therein contained, by personally signing the name of the corporation by himself as Chief Manager.

8th Witness my hand and seal, at Office in Nashville, this 8th day of December, 2004.

Christina Dorsey Willow
Notary Public

CHRISTINA DORSEY WILLOW NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN

My Commission Expires: 5/28/06

My Commission Expires 5/28/06

**EXHIBIT A**

**PROPERTY DESCRIPTION**

A lot or parcel of land, lying and being situated in Metropolitan Nashville, Davidson County, Tennessee and being more particularly described as follows:

COMMENCING on an Iron Rod Set, in the west right-of-way of Louisville and Nashville Railroad, (based on physical evidence, no right-of-way documentation found), being the southeast corner of a lot conveyed to Robert L. Link by deed recorded in Deed Book 9493, Page 972, in said Register's Office of said county (R.O.D.C.) and the northeast corner of Lot 2;

RUNS THENCE S 31° 52' 24" W, a distance of 178.20 feet, along and with the right-of-way of said railroad, being the east boundary of said Lot 2, to an Iron Rod Set, in the west right-of-way of said railroad, the southeast corner of said Lot 2, and a northeast corner of the herein described lot, being the TRUE POINT OF BEGINNING;

RUNS THENCE S 31° 52' 24" W, a distance of 213.15 feet, along and with the west right-of-way of said railroad, being the east boundary of the herein described lot, to an Iron Rod Set, in the north right-of-way of 17th Avenue North, (based on a total width of 50 feet), and being the southeast corner of the herein described lot;

RUNS THENCE N 58° 03' 29" W, a distance of 427.52 feet, along and with the north right-of-way of said 17th Avenue North, to an Iron Rod Set, in the east right-of-way of Illinois Central Gulf Railroad, (based on a total width of 70 feet, right-of-way based on physical evidence, no right-of-way documentation found), and being the southwest corner of the herein described lot;

RUNS THENCE along and with the east right-of-way of said Illinois Central Gulf Railroad, being the west boundary of the herein described lot as follows:
N 28° 58' 13" E, a distance of 55.03 feet,
N 29° 54' 09" E, a distance of 50.34 feet,
N 33° 38' 25" E, a distance of 59.21 feet,
N 38° 21' 45" E, a distance of 69.86 feet,
N 42° 21' 21" E, a distance of 162.51 feet, to an Iron Rod Set, in the south boundary of a lot conveyed to Johnny Burress by deed recorded in Deed Book 5375, Page 471 (R.O.D.C.) and being the northwest corner of the herein described lot;

RUNS THENCE S 57° 42' 54" E, a distance of 173.02 feet, along and generally with a fence, being the south boundary of said Burress lot, the south boundary of the aforementioned Link lot and the north boundary of the herein described lot, to an Iron Rod Set, a point in the south boundary of said Link lot, the northwest corner of the aforementioned Lot 2, and a northeast corner of the herein described lot;

RUNS THENCE S 31° 52' 24" W, a distance of 178.20 feet, along and with the common boundary of Lot 2, being a east boundary of the herein described lot, to an Iron Rod Set, being the southwest corner of said Lot 2, and an interior corner of the herein described lot;

RUNS THENCE S 57° 42' 54" E, a distance of 219.74 feet, along and with the common boundary of Lot 2, being a northern boundary of the herein described lot, to the POINT OF BEGINNING, containing 2.890 acres of land, more or less.

Being (a part of) the same property conveyed to WALCO DEVELOPMENT, L.L.C., by deed of record in Book 11038, page 951, and in Book 11038, page 955, in the Register's Office of Davidson County, Tennessee.

The description of the Property was obtained from a survey dated September 24, 2004, last revised November 20, 2004, prepared by William R. Ashe of F&M Consulting, Inc., License No. 934, whose address is 25 Court Street, Savannah, Tennessee 38372.

**EXHIBIT B**

Encumbrances

1. Taxes for the year 2005, a lien which is not yet due and payable.

2. Deed of Trust executed by Walco Development, LLC, a Tennessee limited liability company, to James D. Harris, Trustee, of record in Book 11065, page 1, as amended at Instrument No. 20000626-0063471, and as further amended at Instrument Nos. 20010314-0024529 and 20030718-0101623 said Register's Office, dated August 7, 1998, to secure to Premier Bank of Brentwood, an indebtedness in the amount of $236,000.00 and any other sums which may be and become payable under the terms thereof.

4. Subdivision of land shown on the Plan of record in Book 57, page 13, said Register's Office.

5. Easement of record in Book 8657, page 491, said Register's Office.

6. The plat of survey prepared by William R. Ashe, RLS No. 934, with F&M Consulting Inc., dated September 24, 2004, last revised November 20, 2004, Project No. 04-204 shows the following matters:

   (a) concrete slab encroaching on boundary line of Lot 1 and 2.

   (b) telegraph pole and line along in the L & N Railroad Right of Way.

   (c) 40' setback line along 17th Avenue.

   (d) telephone line from the center of property to 17th Avenue.

   (e) 20' setback line along north easterly line.

   (f) Powerline running along the northerly and northeasterly portion of property.