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

RETURN TO:
COMMONWEALTH TITLE AGENCY
OF NASHVILLE, INC.
333 GALLATIN RD. SOUTH
MADISON, TN 37115

# WARRANTY DEED

THIS INDENTURE is made and entered into this 28th day of October, 2004, by and between DISSER ENTERPRISES, INC., A TENNESSEE CORPORATION, hereinafter called Grantor, and WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST, 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 are hereby acknowledged, DISSER ENTERPRISES, INC., A TENNESSEE CORPORATION, as Grantor, does hereby bargain, sell, transfer and convey unto WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST, hereinafter referred to as Grantee, its successors 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 Grantor 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.

This is improved property known as 1.224 ACRES+-, 1214 GALLATIN ROAD, NASHVILLE, TN 37216.

TO HAVE AND TO HOLD said land with the appurtenances, hereditaments, estate, title and interest unto Grantee, its successors and assigns forever. The Grantor covenants and agrees 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 successors and assigns, against the lawful claims of all person whomsoever.

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

DISSER ENTERPRISES, INC., A TENNESSEE CORPORATION

by: Disser Enterprises, Inc. by
Shelby Disser, President

Signature of Seller

Davidson County DEEDWARR
Recvd: 12/13/04 09:32 3pgs
Fees:18.00 Taxes:1387.50

20041213-0147662

**CORPORATE**
**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

Personally appeared before me, the undersigned Notary Public of the aforesaid County and State, Philip Disser, President with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/or herself to be President of DISSER ENTERPRISES, INC., A TENNESSEE CORPORATION, the within named bargainor, , and that he/she as such President, executed the foregoing instrument for the purpose therein contained, by signing the name of the (CCRPORATION/LIMITED LIABILITY COMPANY) by himself/herself as President.

Witness my hand, at office, in MADISON, TENNESSEE, this 28th day of October, 2004.

Notary Public

My Commission Expires: 5/24/2008

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

Name and Address of Property Owner:

**WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST**

**2001 SE 10TH STREET**
**BENTONVILLE, AR 72716-0550**

Property Address:

**1.224 ACRES+-, 1214 GALLATIN ROAD**
**NASHVILLE, TN 37216**

Person Responsible for Taxes:
Wal-mart Real Estate Business Trust
Property Tax Dept #8013
Re; store no 3306-0
~~MADISON~~ Mail Stop 0555
1301 S.E. 10th St
Bentonville, ar 72716-0555
**Map & Parcel #: MAP 83-1, PARCEL 40**

## 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 **$375000** 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 1ST day of ~~October~~ November, 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

03-7255

# EXHIBIT 'A'

Land in Davidson County, Tennessee, being a portion of Lot No. 1 on the Plan of Final Plat Wal-Mart Neighborhood Market, of record in Instrument No. 20041129-0141459, Register's Office for Davidson County, Tennessee, and being more particularly described as follows:

Beginning at a nag nail set in the westerly right-of-way of Gallatin Avenue, approximately 361 feet south of the center of Douglas Avenue, being the southeast corner of the Kenneth Wayne Hackney, Linda Darlene Hackney property of record as Instrument Number 20011003-0107438, R.O.D.C. Tn; thence with the westerly right-of-way of Gallatin Avenue South 20 deg. 01' 45" West, 156.88 feet to the northeast corner of the Michael P. Williamson property of record in Deed Book 8908, page 513, R.O.D.C.Tn; thence with the northern boundaries of the Williamson property and the Donald W. Sumner property of record in Deed Book 9871, page 370, R.O.D.C.Tn North 83 deg. 33' 37" West, 332.13 feet to an iron rod in the southeast corner of the William L. Dunn, Esther M. Dunn property of record in Deed Book 6854, page 284, R.O.D.C.Tn; thence with the easterly boundaries of the Dunn property and the Russanne Buchi-Fotre property of record in Deed Book 11556, page 631, R.O.D.C.Tn North 10 deg. 32' 10" East, 156.75 feet to the southwest corner of the aforementioned Hackney property; thence with the southerly boundary of the Hackney property South 82 deg. 56' 33" East, 357.82 feet to the beginning, containing 53,321 square feet or 1.224 acres, more or less.

Being the same property conveyed to DISSER ENTERPRISES, INC., A TENNESSEE CORPORATION, by Warranty Deed from LORELL C. MORRIS, UNMARRIED, of record in Book 5916, page 946, Register's Office for Davidson County, Tennessee.

# EXHIBIT 'B'

1. All REAL PROPERTY taxes for the year 2005 and subsequent years, A LIEN, not yet due and payable (MAP 83-1, PARCEL 40).
2. All matters as set forth on the Plan of FINAL PLAT WAL-MART NEIGHBORHOOD MARKET, of record in Instrument No. 20041129-0141459, said Register's Office, including any and all setback lines, easements, notes, restrictions, etc., as may be shown thereon.