Box 36

(3)

Davidson County DEEDWARR
Recvd: 12/29/04 07:58 6pgs
Fees:33.00 Taxes:3583.39
20041229-0153374

THIS INSTRUMENT PREPARED BY:
John A. Beam, III
Attorney-at-law
709 Taylor Street
P.O. Box 280240
Nashville, Tennessee 37228

FROM: Eaton's Creek Park Real Estate Investors Fund, LLC a/k/a Eaton's Creek Real Estate Investors Fund, LLC ("GRANTOR")

TO: Tenn. Contractors, Inc. ("GRANTEE")

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP/PARCEL NO.
516 Lake Valley Court Franklin, Tennessee 37069	SAME	58-207 (Tract 1) 58-16 (Tract 2)

WARRANTY DEED

FOR AND IN CONSIDERATION of the total sum of One Dollar ($1.00) and other valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, Eaton's Creek Park Real Estate Investors Fund, LLC, a Tennessee limited liability company, a/k/a Eaton's Creek Real Estate Investors Fund, LLC, has bargained and sold, and by these presents does transfer and convey unto Tenn. Contractors, Inc., a Tennessee corporation, its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to wit:

TRACT 1

LAND lying in the Second Civil District of Davidson County, Tennessee, being more particularly described according to a survey by Crawford Land Surveying, File 94011, dated February 1, 1994, as follows:

BEGINNING at a T.D.O.T. monument at the intersection of the West right-of-way of Briley Parkway, (S.R. 155), and the North right-of-way of Cato Road and proceeding as follows:

THENCE, with the North right-of-way of Cato Road for the following eight calls, North 83° 35' 24" West, 26.57 feet to an iron pin;

THENCE, with a curve to the left and having a central angle of 01° 37' 30" and having a radius of 4,420.69 feet, an arc length of 201.22, and a chord bearing and distance, North 84° 39' 06" West, 201.20 feet to an iron pin;

THENCE, South 03° 58' 57" West, 5.00 feet to an iron pin;

THENCE, with a curve to the left and having a central angle of 01° 37' 30" and a radius of 4215.69 feet, an arc length of 119.57 feet, and a chord bearing and distance, North 86° 49' 48" West, 119.57 feet to an iron pin;

THENCE, North 89° 52' 12" West, 556.92 feet to an iron pin;

THENCE, with a curve to the right and having a central angle of 12° 03' 10" and having a radius of 1412.40 feet, an arc length of 297.12 feet, and a chord bearing and distance, North 83° 50' 41" West, 296.57 feet to an iron pin;

THENCE, North 77° 49' 05" West, 317.51 feet to an iron pin;

THENCE, with a curve to the right and having a central angle of 80° 47' 40" and having a radius of 266.48 feet, an arc length of 375.77 feet, and a chord bearing and distance, North 37° 25' 14" West, 345.40 feet to an iron pin;

THENCE, North 02° 58' 36" East, 228.95 feet to an iron pin;

THENCE, with a curve to the left and having a central angle of 07° 31' 32" and having a radius of 736.20 feet, an arc length of 96.70 feet, and a chord bearing and distance of North 00° 47' 10" West, 96.63 feet to an iron pin, said pin being the southeast corner of the property conveyed to Rebecca Nell Fricke, by Deed of Record in Deed Book 6737, page 474, Register's Office for Davidson County, Tennessee;

THENCE, leaving said right-of-way of Cato Road and with said Fricke, for the following 5 calls, North 06° 03' 44" East, 261.02 feet to an iron pin;

THENCE, North 04° 59' 59" East, 185.19 feet to an ion pin;

THENCE, North 05° 18' 46" East, 393.95 feet to an iron pin;

THENCE, North 06° 24' 59" East, 161.36 feet to an iron pin;

THENCE, North 07° 47' 03" East, 344.80 feet to an iron pin, said pin being the southwest corner of the property conveyed to Leonard S. Vaughn, et ux, by Deed of Record in Deed Book 2796, page 173, Register's Office for Davidson County, Tennessee;

THENCE, leaving said Fricke and with said Vaughn for the following 6 calls, South 84° 42' 17" East, 348.96 feet to an iron pin;

THENCE, South 82° 55' 41" East, 382.31 feet to an iron pin; THENCE, South 81° 32' 44" East, 243.08 feet to an iron pin;

THENCE, South 82° 47' 40" East, 483.37 feet to an iron pin;

THENCE, South 83° 20' 23" East, 644.50 feet to an iron pin;

THENCE, South 82° 02' 10" East, 585.82 feet to an iron pin, said pin being in the West right-of-way of Briley Parkway (S.R. 155);

THENCE, leaving said Vaughn and with the West right-of-way of Briley Parkway (S.R. 155) for the following calls, South 17° 27' 22" West, 80.51 feet to an iron pin;

THENCE, South 63° 14' 03" West, 355.82 feet to a T.D.O.T. monument;

THENCE, South 42° 04' 38" West, 272.22 feet to a T.D.O.T. monument;

THENCE, South 35° 35' 38" West, 429.32 feet to a T.D.O.T. monument;

THENCE, South 25° 39' 44" West, 481.57 feet to a T.D.O.T. monument;

THENCE, South 13° 24' 25" West, 521.70 feet to the beginning and containing 3,933,874 square feet or 90.31 acres, more or less.

TRACT 2

LAND lying in the Second Civil District of Davidson County, Tennessee, being more particularly described according to a survey by Crawford Land Surveying, File 94011, dated February 1, 1994, as follows:

BEGINNING at a T.D.O.T. monument at the intersection of the East right-of-way of Briley Parkway (S.R. 155) and the North right-of-way of Cato Road, and proceeding as follows:

THENCE, leaving said right-of-way of Cato Road and with said right-of-way of Briley Parkway (S.R. 155) for the following 6 calls, North 08° 48' 30" East, 518.06 feet to a T.D.O.T. monument.

THENCE, North 23° 47' 47" East, 188.96 feet to a T.D.O.T. monument;

THENCE, North 33° 57' 37" East, 328.77 feet to a T.D.O.T. monument;

THENCE, North 42° 05' 06" East, 373.14 feet to a T.D.O.T. monument;

THENCE, North 48° 32' 09" East, 282.35 feet to a T.D.O.T. monument;

THENCE, North 66° 30' 46" East, 392.27 feet to a T.D.O.T. monument; said monument being in the South boundary of the property conveyed to Roberta G. Fitts, by Deed of Record in Deed Book 8681, page 581, Register's Office for Davidson County, Tennessee;

THENCE leaving said right-of-way of Briley Parkway (S.R. 155) and with said Fitts, South 84° 32' 07" East 463.46 feet to an iron pin in the West right-of-way of Eatons Creek Road;

THENCE, leaving said Fitts and with said right-of-way of Eatons Creek Road for the following 2 calls, South 10° 31' 49" East, 610.20 feet to an iron pin;

THENCE, with a curve to the left and having a central angle of 01° 19' 43" and having a radius of 1298.24 feet, an arc length of 30.11 feet, and a chord bearing and distance South 11° 11' 40" East, 30.11 feet to an iron pin in the centerline of Eatons Creek and being the northernmost corner of the property conveyed to Northwest Financial Tennessee, Inc., by Deed of Record in Deed Book 4905, page 829, Register's Office for Davidson County, Tennessee;

THENCE, with the West boundary of said Northwest Financial Tennessee, Inc. and with the centerline of Eatons Creek for the following 12 calls, South 20° 34' 45" West, 19.63 feet to an iron pin;

THENCE, South 00° 43' 14" West, 51.20 feet to an iron pin; THENCE, South 13° 02' 34" East, 150.12 feet to an iron pin;

THENCE, South 11° 57' 36" East, 108.52 feet to an iron pin;

THENCE, South 06° 26' 14" West, 100.84 feet to an iron pin;

THENCE, South 26° 48' 14" West, 101.12 feet to an iron pin;

THENCE, South 33° 27' 58" West, 101.61 feet to an iron pin;

THENCE, South 30° 24' 31" West, 91.21 feet to an iron pin;

THENCE, South 29° 25' 59" West, 100.02 feet to an iron pin;

THENCE, South 20° 43' 40" West, 101.61 feet to an iron pin;

THENCE, South 18° 29' 36" West, 100.24 feet to an iron pin;

THENCE, South 17° 37' 24" West, 157.60 feet to an iron pin, said pin being the northeast corner of the property conveyed to Loyd F. Potts, et ux, by Deed of Record in Deed Book 6370, page 895, Register's Office for Davidson County, Tennessee;

THENCE, with the North boundary of said Potts and with the North boundary of the property conveyed to Ruben Riddle, et ux, by Deed of Record in Deed Book 3250, page 063, Register's Office for Davidson County, Tennessee, North 83° 38' 16" West, 884.15 feet to an iron pin;

THENCE North 76° 05' 01" West, 196.51 feet to an iron pin in the North right-of-way of Cato Road;

THENCE, leaving said Riddle and with the North right-of-way of Cato Road for the following calls, North 82° 57' 28" West, 165.66 feet to an iron pin;

THENCE, North 07° 02' 15" East, 5.00 feet to an iron pin;

THENCE, North 82° 56' 51" West, 233.00 feet to the beginning and containing 2,298,177 square feet or 52.76 acres, more or less.

INCLUDED in the above description of Tract No. 2, but specifically EXCLUDED THEREFROM are the following:

ALL that land as shown on the plans of Creekside Trails - Phase 1, of record as Instrument No. 20001026-0106269; Creekside Trails - Phase 2, of record as Instrument No. 20020709-0082562, and Creekside Trails - Phase 3, of record as Instrument No. 20040615-0070696 in the Register's Office for Davidson County, Tennessee.

BEING part of the same property conveyed to Eaton's Creek Real Estate Investors Fund, LLC, by deed from Affordable Housing Resources, Inc., of record in Deed Book 10996, Page 941, Register's Office of Davidson County, Tennessee. Eaton's Creek Real Estate Investors, Fund, LLC and Eaton's Creek Park Real Estate Investors, Fund, LLC are one and the same.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said TENN. CONTRACTORS, INC., its successors and assigns, forever.

And it does covenant with the said TENN. CONTRACTORS, INC. that it is lawfully seized and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, except as follows:

1. Taxes and assessments for 2005 and subsequent years, a lien, but not yet due and payable.

2. Subject to any and all zoning regulations, building restrictions, setback lines, if any, and easements and rights of way for public utilities applicable to this property.

3. Matters shown on plan of record as Instrument No. 20000426-0041282 in the Register's Office for Davidson County, Tennessee (AS TO TRACT NO. 2)

4. Declaration of Covenants, Conditions and Restrictions of record as Instrument No. 20000915-0092002, as supplemented and amended by Instrument No. 20011025-0117168 and Instrument No. 20020828-0103983 in said Register's Office.

5. Easement for sanitary sewers and/or storm drainage of record in Book 8236, page 230, in said Register's Office.

6. Easement for water mains and appurtenances of record in Book 6255, page 578, in said Register's Office (AS TO TRACT NO. 2).

7. Easement for flow of the waters of Eatons Creek and the rights of the public therein (AS TO TRACT NO. 2).

8. Rights of upper and lower riparian owners to the flow of the water of Eatons Creek, free from diminution or pollution (AS TO TRACT NO. 2).

9. Rights of upper and lower riparian owners to the flow of the water of Eatons Creek, free from diminution or pollution (AS TO TRACT NO. 2).

10. Changes in the boundary of the subject property resulting from erosion or accretion caused by the flow of the waters of Eatons Creek (AS TO TRACTS NO. 2)

11. A portion of Tract No. 2 is located within the 100 year flood plain of Eatons Creek.

12. The acreage mentioned in the legal description is only for convenience in identifying the trace insured; it is not intended that the policy insure the amount of acreage.

And it does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the said land to the said TENN. CONTRACTORS, INC., its successors and assigns, against the lawful claims of all persons whomsoever.

WITNESS my hand as an authorized officer of the corporation this 22nd day of December, 2004.

EATON'S CREEK PARK REAL ESTATE INVESTORS FUND, LLC a/k/a EATON'S CREEK REAL ESTATE INVESTORS FUND, LLC

BY: _____
John A. Beam, III, Chief Manager

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned Notary Public of said State and County, John A. Beam, III, with whom I am personally acquainted, and who acknowledged that he is the Chief Manager of EATON'S CREEK PARK REAL ESTATE INVESTORS FUND, LLC a/k/a EATON'S CREEK REAL ESTATE INVESTORS FUND, LLC, and is authorized to execute this instrument on behalf of the company and that as such he executed this instrument for the purposes therein contained.

Witness my hand, at office, this 22nd day of December, 2004.



NOTARY PUBLIC
AT LARGE
Douglas A. Brace
My Commission Expires
September 24, 2005
STATE OF TENNESSEE

NOTARY PUBLIC

My Commission Expires:_____

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $968,482.90.

AFFIANT

Subscribed and sworn to before me this 22 day of December, 2004.



NOTARY PUBLIC
AT LARGE
Douglas A. Brace
My Commission Expires
September 24, 2005
STATE OF TENNESSEE

NOTARY PUBLIC

My Commission Expires: _____

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