THIS INSTRUMENT PREPARED BY: **Mudter Morgan & Patterson** **Attorneys-at-Law** **2000 Richard Jones Road** **Suite 110** **Nashville, Tennessee 37215** **Record & Return To:** **First Title & Escrow Co., Inc.** **FTEC File No. 23703-12-2004** Davidson	STATE OF TENNESSEE, COUNTY OF DAVIDSON: The actual consideration or value, whichever is greater, for this transfer is: $290,000.00. Affiant Subscribed and sworn to before me this 22nd day of December, 2004. Notary Public My Commission Expires:

STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

WARRANTY DEED

My Commission Expires JULY 19, 2008

Address New Owner:	**Send Tax Bills To:**	**Tax Information:**
Warren D. Smith, III. Monteray S. Smith 140 Blackburn Avenue Nashville, TN 37205	NEW OWNER	Map No.130.01-0 Parcel No. 160.00

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, **Ruth Russ Mason, Catherine Calkin Kelly, Caroline Calkin Welkom, Ruth Cunningham Rucker, E. C. Cunningham, Joel L. Cunningham, W. L. Cunningham, Jr., Albert McMurtry Cunningham and Anita Cunningham Mitchum, as devisees under the Will of Mildred Russ Cunningham, deceased,** ("Grantor"), has this day bargained and sold, and does hereby transfer and convey to **Warren D. Smith, III. and wife, Monteray S. Smith** ("Grantee"), its successors, heirs and assigns, all that tract or parcel of land in Davidson County, Tennessee, more particularly described on Exhibit "A" hereto.

This is improved property located at 140 Blackburn Avenue, Nashville, TN 37205

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

And Grantor covenants that it is lawfully seized and possessed of said real estate in fee simple, has a good right to convey it, and that the same is unencumbered, except as set out on Exhibit "A" hereto. Grantor further covenants and binds itself, its successors, heirs and assigns to warrant and forever defend the title to said real estate to Grantee, its successors, heirs and assigns against the lawful claims of all persons, except as set out on Exhibit "A" hereto.

Whenever used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this instrument on the 22nd day of December, 2004.

Ruth Russ Mason by Joel L. Cunningham
as Attorney-In-Fact

Catherine Calkin Kelly by Joel L. Cunningham as Attorney-In-Fact

Caroline Calkin Welkom by Joel L. Cunningham as Attorney-In-Fact

Ruth Cunningham Rucker by Joel L. Cunningham as Attorney-In-Fact

E. C. Cunningham by Joel L. Cunningham
as Attorney-In-Fact

Davidson County DEEDWARR
Recvd: 01/06/05 15:25 3 pgs
Fees:18.00 Taxes:1073.00

20050106-0002538

Joel L. Cunningham

W. L. Cunningham, Jr. by Joel L. Cunningham as Attorney-In-Fact

Albert McMurtry Cunningham by Joel L. Cunningham as Attorney-In-Fact

Anita Cunningham Mitchum by Joel L. Cunningham as Attorney-In-Fact

STATE OF TENNESSEE, COUNTY OF DAVIDSON SS.:

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, aforesaid, **Joel L. Cunningham,** 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 22nd day of December, 2004.

Notary Public

My Commission Expires:

STATE OF TENNESSEE, COUNTY OF DAVIDSON SS.:

Before me, the undersigned, of the State and County aforesaid, personally appeared Joel L. Cunningham, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he executed the within instrument on behalf of Ruth Russ Mason, Catherine Calkin Kelly, Caroline Calkin Welkom, Ruth Cunningham Rucker, E. C. Cunningham, W. L. Cunningham, Jr., Albert McMurtry Cunningham and Anita Cunningham Mitchum, Principals, as their Attorney-In-Fact, as the free act and deed of the within named Ruth Russ Mason, Catherine Calkin Kelly, Caroline Calkin Welkom, Ruth Cunningham Rucker, E. C. Cunningham, W. L. Cunningham, Jr., Albert McMurtry Cunningham and Anita Cunningham Mitchum.

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

Notary Public

My Commission Expires:

GEORGE E. MUDTER, JR.
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires JULY 19, 2008

EXHIBIT "A"

Land in Davidson County, Tennessee, being Lots Nos. 50 and 51 on the Map of Bransford Realty Company's Belle Meade Golf Links Subdivision as of record in Book 421, pages 94 and 95, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description.

Being the same property conveyed to J. P. Cunningham by deed dated February 22, 1946, from Dorothy Rodey Vann, Mary Elizabeth Vann and Joseph Wesley Vann, all unmarried, of record in Book 1360, page 201, Register's Office for Davidson County, Tennessee (as to Lot 50), and by deed dated March 27, 1944, from Elizabeth C. Ingersoll, a widow, of record in Book 1285, page 292, said Register's Office (as to Lot 51). J. P. Cunningham died on November 1, 1988, and by his will, of record in Will Book 165, page 224, Davidson County Probate Court Clerk's Office, he devised subject property to his wife, Mildred Russ Cunningham. Mildred Russ Cunningham died on July 28, 2004, and by her will, of record in Instrument No. 5676/1603645, Davidson County Probate Court Clerk's Office, she devised subject property to Ruth Russ Mason, Catherine Calkin Kelly, Caroline Calkin Welkom, Ruth Cunningham Rucker, E. C. Cunningham, Joel L. Cunningham, and the living issue of W. L. Cunningham, deceased, who are his three children, W. L. Cunningham, Jr., Albert McMurtry Cunningham, and Anita Cunningham Mitchum.

This conveyance is made subject to:

1. 2004 City/County Taxes which have been paid by the Grantor and prorated by the parties.
2. All matters appearing on the Plan of record in Book 421, pages 94 and 95, Register's Office for Davidson County, Tennessee.
3. Grant of Permanent Easement for Driveway of record in Instrument No. 20030605-0077636, Register's Office for Davidson County, Tennessee.
4. Joint Driveway Agreement of record in Book 3820, page 433, Register's Office for Davidson County, Tennessee.