BOX #14A
G#17625-2

WARRANTY DEED

State of Tennessee
County of Davidson

The actual consideration or value, whichever is greater, for this transfer is **$243,795.00**.

Affiant

Subscribed and sworn to before me, this the 26th day of January, 2005.

Notary Public

My commission expires: 4/10/05

(AFFIX SEAL)

JOHN T. COOK NOTARY PUBLIC AT LARGE WILLIAMSON COUNTY, TENN.

Davidson County DEEDWARR
Recvd: 01/31/05 08:43 2 pgs
Fees:13.00 Taxes:902.04
20050131-0010787

THIS INSTRUMENT WAS PREPARED BY
John T. Cook, P.C.
2927 Berry Hill Drive, Nashville, TN 37204-3126

Address of New Owner(s) as follows:	Send Tax Bills To:	Map-Parcel Numbers
W. Fred Spears and Cindi A. Spears	**BEAZER MORTGAGE CORPORATION**	**MAP 064-08-0-A, PAR 066.00co**
2517 Sharondale Circle	**4344 Kenilwood Drive**	
Nashville, TN 37215	**Nashville, TN 37204**	

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

BEAZER HOMES CORP. D/B/A PHILLIPS BUILDERS, a Tennessee corporation

HEREINAFTER CALLED THE GRANTOR, HAS BARGAINED AND SOLD, AND BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO

W. FRED SPEARS and CINDI A. SPEARS, husband and wife

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

LAND in Davidson County, Tennessee, being Lot No. 105 on the Plan of Merritt Downs, Section Two, a Planned Unit Development, as of record in Instrument No. 20030904-0128443, Register's Office for Davidson County, Tennessee, to which said plan reference is hereby made for a more complete and accurate legal description thereof.

BEING part of the same property conveyed to Beazer Homes Corp. D/B/A Phillips Builders, a Tennessee corporation, by Warranty Deed from Gilbert S. Merritt, Jr., of record in Instrument No. 20030110-0004711, Register's Office for Davidson County, Tennessee.

THIS conveyance is subject to Declaration of Covenants, Conditions and Restrictions, of record in Instrument No. 20010604-0057881, and amended and restated in Instrument No. 20010702-0069864, and supplemental to add Section Two, of record in Instrument No. 20040330-0035673, said Register's Office; By-Laws of record in Instrument No. 20010608-0060786, said Register's Office; easements and setback lines as set forth on the above plan of record; and taxes for the current year which have been prorated and assumed by the Grantees herein.

This is IMPROVED (__X__) unimproved (____) property, known as: **1605 Carolwinds Court, Old Hickory, TN 37138**.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further convenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my hand, by its duly authorized officer, this **26th** day of **January, 2005.**

BEAZER HOMES CORP. D/B/A PHILLIPS BUILDERS

By: Ruth Lyon, agent
Ruth Lyon, Agent

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, a Notary Public, within and for the State and County aforesaid, personally appeared Ruth Lyon, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the Agent of the BEAZER HOMES CORP. D/B/A PHILLIPS BUILDERS, the within-named bargainor, a Tennessee corporation, and that she as such Agent, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as such Agent.

Witness my hand and official seal at Nashville, Tennessee, this **26th** day of **January, 2005.**

Deborah H. Beerie

Notary Public



My Commission Expires: 3/25/06