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Davidson County DEEDTRS
Recvd: 02/11/05 14:45 6 pgs
Fees:33.00 Taxes:28675.00
20050211-0016144

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS PLC (RAM)
2700 AmSouth Center
Nashville, Tennessee 37238

SUCCESSOR TRUSTEE'S DEED

Address New Owner(s)	Send Tax Bills To	Map & Parcel Nos.
Harding Place, LLC 121 West Forsyth St., Suite 200 Jacksonville, FL 32202	Same	Map 147, Parcels 38 and 44

WHEREAS, by First Deed of Trust and Security Agreement dated June 16, 1994 of record in Book 9380, Page 285, Register's Office for Davidson County, Tennessee, as modified by that certain Modification and Extension Agreement dated December 13, 1999, of record as Instrument #200001140005045 said Register's Office, and as further modified by that certain Second Modification and Extension Agreement dated February 28, 2000, of record as Instrument #200008030077004 said Register's Office (as modified, the "Deed of Trust"), Seven Mile Creek, L.P., a Tennessee limited partnership, conveyed the real property described on Exhibit A attached hereto and incorporated herein by reference, together with the other property described in the Deed of Trust (collectively, the "Property") to Mary Aronov, Trustee ("Trustee"), to secure payment of the indebtedness described in the Deed of Trust (the "Indebtedness"); and

WHEREAS, by Appointment of Successor Trustee dated December 16, 2004, of record in Instrument No. 20041217-0150509, said Register's Office, Russell A. Miller was appointed Successor Trustee under the Deed of Trust (the "Successor Trustee"); and

WHEREAS, default occurred under the terms and conditions of the Deed of Trust; and

WHEREAS, at the request of the lawful owner and holder of the Indebtedness, the Successor Trustee gave notice of the time and place of a sale of the Property, all in accordance with the Deed of Trust and the laws of the State of Tennessee, by publishing a notice of sale in *The Nashville Record*, a newspaper published in Davidson County, Tennessee, said notice being first published on published on December 30, 2004, and thereafter published on January 6, 2005 and January 13, 2005, with said notice advertising the sale of the Property to be held on January 24, 2005, at 11:00 a.m.; and

WHEREAS, on January 24, 2005, at 11:00 a.m. at the front door of the 225 Polk Avenue (old Ben West Library building) in downtown Nashville, Davidson County, Tennessee, being the time and place fixed in said notice, the Property was offered for sale in the manner provided in said notice and in the Deed of Trust, and the Successor Trustee received a bid of Seven Million Seven Hundred Fifty Thousand and 00/100^{ths} Dollars

($7,750,000.00), which bid was the last, highest and best bid, and payment has been made by credit upon the Indebtedness, the receipt of which is hereby acknowledged;

NOW, THEREFORE, in consideration of the foregoing and of the sum bid and paid as provided herein, I, Russell A. Miller, Successor Trustee, hereby bargain, sell, transfer and convey the Property unto HARDING PLACE, LLC, a Delaware limited liability company, and its successors and assigns ("Grantee");

TO HAVE AND TO HOLD the Property, together with the estate, title and interest of Successor Trustee therein and all hereditaments, easements, appurtenances and improvements thereto belonging, to the Grantee in fee simple forever, free from the right of redemption (statutory or otherwise), the equity of redemption, homestead, dower, elective or distributive share, any right of appraisement or valuation and all other rights and exemptions of the grantor of the Deed of Trust, all of which were expressly waived therein, and subject only to liens, easements, encumbrances, liens for property and other taxes, rights of redemption of taxing entities and other matters (if any) that are prior in right to the lien and security title of the Deed of Trust.

This is improved property known as Harding Mall, 4050 Nolensville Road, Nashville, Davidson County, Tennessee.

I, Russell A. Miller, Successor Trustee, hereby transfer, assign and set over unto Grantee all of the covenants and warranties contained in the Deed of Trust; and, to the extent that I am able to do so as Successor Trustee, and subject only to the matters herein expressly reserved, I hereby warrant the title to the Property against the claims of all persons claiming by, through or under me as such Successor Trustee, but no further or otherwise.

WITNESS my hand as Successor Trustee as of the 24th day of January, 2005.

Russell A. Miller, Successor Trustee

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public having authority within the State and County aforesaid, Russell A. Miller, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 10th day of February, 2005.

Mary Jan Dionne
Notary Public

My commission Expires:

3/25/06

MARY JAN DIONNE STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property conveyed (whichever is greater) is $7,750,000.00.

Affiant

Sworn to and subscribed before me this 10th day of February, 2005.

Mary Jan Dionne
Notary Public

My commission Expires:

3/25/06

MARY JAN DIONNE STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

EXHIBIT A

Land being in the 30th Civil District, Nashville, Davidson County, Tennessee, at the northeast corner of Nolensville Pike and Harding Place, and being more particularly described based on a survey prepared by Thomas Miller & Partners, 750 Old Hickory Blvd., Brentwood, Tennessee 37027, TN Lic. No. 1515 and dated February 25, 1994, as follows:

Parcel 38:

Land being in the 30th Civil District, Nashville, Davidson County, Tennessee, at the northeast corner of Nolensville Pike and Harding Place, being a portion of the Gainsborough Corporation property (DB 8680, PG 633), and being more particularly described as follows:

Beginning on an existing chiseled "X" in a concrete sidewalk on the easterly Right-Of-Way of Nolensville Pike, and being the southwest corner of the Harding Mall Park, Section 1 (PB 4350 – PG 185);

Thence, with Harding Mall Park's southerly line, N 79°08'23" E – 126.66' to an iron pin (new);

Thence with Harding Mall Park's easterly line, N 10°51'37" W – 149.24' to an iron pin (old), said pin lying in the southerly Right-Of-Way of Welch Road;

Thence, with said Right-Of-Way, S 82°13'58" E – 458.08' to an iron pin (old).

Thence continuing with said Right-Of-Way, along a curve to the right having a delta of 01°28'01", a radius of 4773.52', an arc length of 122.21', and a Chord bearing and distance of S 81°29'39" E – 122.20' to an iron pin (old);

Thence, continuing with said Right-Of-Way, S 80°46'00" E – 267.83' to a point in the center of Seven Mile Creek, said point also being the northwest corner of Lot 19 on the plan of Herbert Heights Section One (PB 3500 PG 28);

Thence, with the center of said creek for the following 9 calls:

S 25°05'20" E – 117.00' to a point;
S 13°28'20" E – 55.00' to a point;
S 00°20'30" W – 109.00' to a point;
S 24°41'20" W – 125.00' to a point;
S 17°49'00" W – 102.00' to a point;
S 15°14'10" W – 69.00' to a point;
S 19°50'30" W – 60.00' to a point;
S 07°40'02" W – 63.48' to a point at the southwest corner of Lot 12 on said plat of Herbert Heights, this also being the northwest corner of Harding Mall Village of record in Plat Book 7900, Page 606.

Thence, with west line of said Harding Mall Village S 19°35'55" W – 387.20' to a point in the northerly Right-Of-Way of Harding Place.

Thence, leaving said creek and Harding Mall Village with said Right-Of-Way for the following three calls:

S 74°53'00" W – 153.09' to an iron pin (new);
N 15°07'00" W – 10.00' to an iron pin (new);
S 74°53'00" W – 238.71' to an iron pin (new);

Thence with a curve to the right, having a delta of 69°18'19", a radius of 150.00', an arc length of 181.44', and a chord bearing and distance of N 70°27'50" W – 170.58' to an iron pin (old) lying on the easterly Right-Of-Way of Nolensville Pike;

Thence, with said Right-Of-Way, N 10°51'37" W – 1036.40' to the POINT OF BEGINNING and containing 20.83 acres, more or less.

Less and except property conveyed to Tennessee Department of Transportation of record as Instrument No. 200005090046675 in the Register's Office for Davidson County.

Lot 2:

Land being in the 30th Civil District, Nashville, Davidson County, Tennessee being Lot 2 of Harding Mall Village (PB 7900, PG 606), and being more particularly described as follows:

Beginning on an iron pin (new), at the northwesterly corner of Lot 1 in the above mentioned Harding Mall Village and also lying in the east line of Parcel 38 of the Gainsborough Corporation property (DB 8680, PG 633);

Thence, with said parcel 30 N 19°35'55" E – 111.71' to a point, said point being the southwest corner of Lot 12 Herbert Heights Section Two (PB 3500, PG 83);

Thence, with the southerly line of the aforementioned Herberts Heights Subdivision S 80°05'22" E – 276.61' to an iron pin (new), at the northwesterly corner of Lot 3 in the aforementioned Harding Mall Village;

Thence, with the west line of said Lot 3, S 09°54'38" W – 45.00' to an iron pin (new);

Thence, S 46°35'03" W – 140.41' to an iron pin (new), in the northerly line of Lot 1 in the aforementioned Harding Mall Village;

Thence with the north line of said Lot 1 with a curve to the left having a delta of 12°33'37", a radius of 100.00', an arc length of 21.92' and a chord bearing and distance of N 61°42'45" W – 21.88' to an iron pin (new);

Thence, continuing with the north line of Lot 1 N 68°04'37" W – 195.06' to the POINT OF BEGINNING and containing 0.82 acres, more or less.

BEING part of the same property conveyed to Gainsborough Corporation, by deed from Harding Mall Venture, L.P., of record in Book 8680, page 633, Register's Office of Davidson County, Tennessee, and being further conveyed to Seven Mile Creek, L.P., a Tennessee limited partnership, by Deed of Record in Book 9380, page 263, Register's Office for Davidson County, Tennessee, and being further conveyed to Tennessee – Florida Investors, LLC, a Delaware limited liability company, by Deed of Record in Instrument #20041130-0142600, Register's Office for Davidson County, Tennessee.

Easement Parcel:

All rights of Grantor under that certain Cross-Access Easement Agreement dated September 21, 1993, by and between Gainsborough Corporation and Harding Place Partnership of record in Book 9087, Page 101, and as re-recorded in Book 9100, Page 929 in the Register's Office of Davidson County, Tennessee.