SUBLEASE AND CONVEYANCE OF CONDOMINIUM APARTMENT

Davidson County DEEDWARR
Recvd: 02/18/05 12:38 3 pgs
Fees:18.00 Taxes:499.50

20050218-0018580

STATE OF TENNESSEE, COUNTY OF DAVIDSON

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER FOR THIS TRANSFER IS $135,000.00

Affiant

Subscribed and sworn to me on February 16, 2005.

NOTARY PUBLIC

JOHN GLEAVES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires JULY 29, 2006

THIS INSTRUMENT WAS PREPARED BY:
David B. Herbert, Attorney
ORTALE, KELLEY, HERBERT & CRAWFORD
200 Fourth Avenue North
Nashville, TN 37219-0375
Our File #2-570SP

NAME/ADDRESS OF NEW OWNER:	SEND TAX BILLS TO:	MAP – PARCEL #
Elsa B. Savary 202 Cana Circle Nashville, TN 37205	SAME	129-11-A-202

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS ($10.00), cash in hand paid by the hereinafter named Grantee, and other good and value consideration, the receipt of which is hereby acknowledged, the undersigned, David B. Herbert, Executor for the Estate of Eleanor E. Phillips, (the "Grantor") has bargained, sold and leased, and by these presents does transfer, convey and lease unto Elsa B. Savary, an unmarried person, (the "Grantee"), her heirs and assigns, a certain condominium apartment in Davidson County, Tennessee, described as follows, to-wit:

A certain condominium apartment in Davidson County, Tennessee, described as follows:

Being Unit No. 202 created under Title 66, Chapter 27, Section 101, et seq., as amended, Tennessee Code Annotated, and as established by a Master Deed of record in Book 6042, page 602, and Book 6675, page 173, as amended in Book 6071, page 149, corrected by Correction to Master Deed of record in Book 6237, page 660, and amended in Book 6519, page 187, and in Book 7590, page 273, in the Register's Office for Davidson County, Tennessee, together with the undivided percentage interest in the common elements appurtenant to said Unit described in said Master Deed, as amended. Reference is hereby made to the plat of Phase I-A of Lot No. 2, The Cloister at Saint Henry, of record in Book 5200, page 656, Book 5200, page 676, and Book 6250, page 924, in said Register's Office, for a more complete identification and description of such Unit.

Being the same property conveyed to Eleanor E. Phillips by quitclaim deed from Eleanor E. Phillips and Sandra J. McSeveney, Trustee, of record in Book 8677, page 807, in the Register's Office for Davidson County, Tennessee. The said Eleanor E. Phillips has since died leaving her Last Will and Testament of record as Instrument No. 5732/1719634 under Docket No. 04P-1806, Seventh Circuit Court, Probate Division for Davidson County, Tennessee, granting power of sale of this property to the Executor.

The conveyance of the above-described parcel of land is subject to the following:

1. 2005 Davidson County taxes which have been prorated by the parties and assumed by the Grantees; and
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; and
3. The premises herein described is a condominium apartment established pursuant to the provisions of the Tennessee Horizontal Property Act as the

same is set out in Section 66-27-101, et seq. of the Tennessee Code Annotated, and is subject to the provisions and requirements thereof; and is subject to the By-Laws for the administration thereof; also subject to easements, rights and interests in favor of other unit owners, and all sewer, water, electrical, telephone and other utility easements now or hereafter established over, through or upon the land embracing the regime and buildings thereof; and also including, without limitation, all conditions, covenants, restrictions, options, burdens, assessments and other undertakings contained in the Master Deed and By-Laws establishing a Horizontal Property Regime of The Cloister at Saint Henry Condominiums of record in Book 6042, page 602, and Book 6775, page 173, as amended in Book 6071, page 149, corrected by Correction to Master Deed of record in Book 6237, page 660, and amended in Book 6519, page 187, and in Book 7590, page 273, in the Register's Office for Davidson County, Tennessee.

4. Matters shown on plan of record in Book 5200, page 656, Book 5200, page 676, and Book 6250, page 924, in said Register's Office.
5. Sanitary sewer and/or storm drainage easements of record in Book 4191, page 157, in said Register's Office.
6. Subject to the terms and conditions of a Ground Lease by and between James D. Niedergeses, Bishop of the Dioceses of Nashville, and St. Henry's Property Development, Inc., dated August 31, 1982, of record in Book 5691, page 657, in said Register's Office.
7. Subject to the rights of others in and to the common areas/elements.
8. Subject to the lien for special assessments contained in the Master Deed and By-Laws.

THIS is a leasehold interest in improved property known as 202 Cana Circle, Nashville, TN 37205.

TO HAVE AND TO HOLD the said leasehold interest in the said condominium apartment, with the appurtenances, estates, title and interest thereto belonging to the said Grantee, her heirs and assigns, for the term of the Ground Lease of record in Book 6208, page 137, Register's Office for Davidson County, Tennessee, and any extension thereof but not further.

Grantee understands that Grantor is not conveying the real estate in fee simple and this conveyance is both a sublease by Grantor to Grantee of the above described condominium apartment for the full term of the Ground Lease and any extension thereof, and a conveyance by Grantor of all right, title and interest of the Grantor in the described condominium apartment. By acceptance of this conveyance, Grantee agrees to assume jointly with The Cloister Owners' Association all obligations of the Grantor under the Ground Lease, including payment of all real estate taxes assessed against both land and building.

WITNESS my hands on February 15, 2005.

Estate of Eleanor E. Phillips

By: _____

David B. Herbert, Executor

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, of the state and county aforementioned, personally appeared David B. Herbert, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the Executor of The Estate of Eleanor E. Phillips, deceased, the within named bargainor, a decedent's estate, and that he such person, as such Executor, being authorized to do so, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the said estate by himself as Executor thereof.

Witness my hand and seal, at office in Nashville, Tennessee, this 15th day of February 2005.

June E. Rowell
NOTARY PUBLIC

My Commission Expires:

JUNE E. ROWELL NOTARY PUBLIC AT LARGE DAVIDSON COUNTY TENN.

NOTARY PUBLIC
AT LARGE
JUNE E. ROWELL
My Commission Expires
JULY 29, 2006
STATE OF TENNESSEE

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