BOX #14A

WARRANTY DEED

State of Tennessee)
County of Davidson)

G#17703-1

The actual consideration or value, whichever is greater, for this transfer is **$142,300.00.**

Affiant

Subscribed and sworn to before me, this the 28th day of February, 2005.

Notary Public

My commission expires: 4/10/05

(AFFIX SEAL)

Davidson County DEEDWARR
Recvd: 03/03/05 10:03 2 pg
Fees:13.00 Taxes:526.51

20050303-0023394

JOHN T. COOK STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

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
James C. Berning	**Beazer Mortgage Corporation**	**Map 062-02-0-B, Parcel 123.00co**
3360 Cain Harbor Drive	**4344 Kenilwood Drive**	
Nashville, TN 37214	**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

James C. Berning, an unmarried man

HEREINAFTER CALLED THE GRANTEE, HIS 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. 56 on the Plan of the First Amendment to Abbington Park, Phase One - Section Three, a Planned Unit Development, as of record in Instrument No. 20040728-0090230, 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 J. E. Stevenson, Trustee, of record in Instrument No. 20011005-0108947, Register's Office for Davidson County, Tennessee.

THIS conveyance is subject to Declaration of Covenants, Conditions and Restrictions, of record in Instrument No. 20030213-0020075 and supplemental for Phase One, Section Three, in Instrument No. 20040518-0058461, said Register's Office; Declaration of Restrictions of record in Instrument No. 20010402-0031520, said Register's Office; Covenants and Conditions of record in Instrument No. 20000720-0071648, said Register's Office; By-Laws of record in Instrument No. 20030303-0027406, 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 Grantee herein.

This is IMPROVED (__X__) unimproved (____) property, known as: **3360 Cain Harbor Drive, Nashville, TN 37214** .

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 its hand by its duly authorized officer this **28th** day of **February, 2005.**

Beazer Homes Corp. d/b/a Phillips Builders

By: Teresa Shipman

Teresa Shipman, Agent

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, a Notary Public, within and for the State and County aforesaid, personally appeared **Teresa Shipman**, 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 **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 **28th** day of **February, 2005.**

Deborah H. Berrie
Notary Public



My Commission Expires: 3/25/06