File Box

PREPARED BY (AND RETURN TO):

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W & I Ref: (DM) Title No: 46243

Dav. Co. File: Box 8

Davidson County DEEDWARR
Recvd: 04/04/05 12:39 3 pg:
Fees:17.00 Taxes:0.00

20050404-0036253

ADDRESS NEW OWNER:	**RESPONSIBLE FOR TAX PAYMENT:**
Leonard Shear **Miriam Shear** **438 Siena Drive** **Nashville, TN 37205**	same

TAX MAP-PARCEL NUMBERS: 129-11-A-438

DEED OF LEASEHOLD INTEREST

FOR AND IN CONSIDERATION of the sum of **$135,000.00,** cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Robert B. Stephens and Elizabeth Stephens Brownley** hereinafter called the **Grantors**, has bargained and sold, and by these presents does hereby transfer and convey unto **Leonard Shear and spouse Miriam Shear,** hereinafter called the **Grantee**, Grantee's heirs and assigns, a certain tract or parcel of land in **Davidson** County, Tennessee, described as follows: **To Wit:**

A Condominium Apartment in Davidson County, Tennessee, created upon a leasehold Estate, Being Unit No 438 of The Cloister at St. Henry, Phase 1-B, a horizontal property regime pursuant to the Tennessee Horizontal Property Act, as shown on The Plan to the Master Deed of record in Book 5200, page 529 revised in Book 5200, page 676 and further set out as Exhibit "B" to the Master Deed of record in Book 6237, page 665, Register's Office for said County, to which source reference is hereby made for more complete details of description, together with the said Apartment's appurtenant undivided interest in the general and limited common elements of the condominium.

Being the same property conveyed to Arthur B. Stephens and wife, Frances B. Stephens by deed from Nancy Earlene Fitzgerald Gipson, unmarried the beneficiary under the Will of Willie Mae Vinson Fitzgerald of record in Book 8636, page 500 Register's Office for said County. The said Arthur B. Stephens and Frances B. Stephens have since died, with Frances B. Stephens predeceasing Arthur B. Stephens. The Last Will and Testament of Arthur B. Stephens of record in Will Instrument No. 5647/1547383, in the Seventh Circuit Court for Davidson County, Tennessee Probate Division, devised subject property to Robert Beeler Stephens and Elizabeth Stephens Brownley

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 Grantors Ground Lease and any extension thereof, and 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 Grantors Ground Lease including payment of all real estate taxes assessed against both land and buildings. The attached copy of a resolution of the Board of Directors of St. Henry Property Development, Inc. is incorporated herein as **Exhibit "A"** to this instrument.

Description Reference: The description is the same as that used in the last deed prior to this transaction.

This conveyance is subject to: Taxes for 2005, and subsequent years; Provisions of the Master Deed and By-Laws of record in Book 6675, page 173, Book 6675, page 226, Book 7590, page 273, said Register's Office; Exhibit "B" to the Master Deed of record in Book 6675, page 173, Book 6042, page 602, Book 6519, Page 187 Book 9269, page 285, Doc. No. 20020109-0003376 Register's Office, shows an owner's certificate, minimum setback lines and easements to which plan reference is hereby made for a more complete description; the terms and conditions of a Ground Lease of record in Book 6596, page 608, said Register's Office; a Storm Water Detention

Agreement of record in Book 6824, page 870, and Book 6145, page 293 said Register's Office. Deeds of Conveyance of record in Book 6065, page 132, Book 6065, page 127 to the Metropolitan Government of Nashville and Davidson County Department of Water and Sewage Services.

This is improved property, known as: 438 Siena Drive, Nashville, Tennessee 37205

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, Grantee's heirs or assigns, forever.

GRANTOR COVENANTS with the said Grantee that Grantor is lawfully seised and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out.

GRANTOR FURTHER COVENANTS and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS THE EXECUTION HEREOF this 1st day of April, 2005 .

Robert Beeler Stephens _____

Robert Beeler Stephens **Elizabeth Stephens Brownley**

State of TENNESSEE
County of DAVIDSON

On this 1st day of April, 2005, before me the undersigned authority, personally appeared **Robert Beeler Stephens** ~~**and Elizabeth Stephens Brownley**~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged the execution of the same as a free act and deed.

My Commission Expires: _____

CHRISTY W. IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

_____
Notary

State of TENNESSEE
County of Davidson
My Commission Expires JULY 21, 2007

AFFIDAVIT

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this Conveyance of the **Leasehold is Exempt from tax.**

Esther Lee
Affiant

Sworn and subscribed before me this 1st day of April, 2005.

My Commission Expires: _____

CHRISTY W. IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

_____
Notary Public

My Commission Expires JULY 21, 2007

Agreement of record in Book 6824, page 870, and Book 6145, page 293 said Register's Office. Deeds of Conveyance of record in Book 6065, page 132, Book 6065, page 127 to the Metropolitan Government of Nashville and Davidson County Department of Water and Sewage Services.

This is improved property, known as: 438 Siena Drive, Nashville, Tennessee 37205

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GRANTOR FURTHER COVENANTS and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS THE EXECUTION HEREOF this 1st day of April, 2005 .

Robert Beeler Stephens

Elizabeth Stephens Brownley

State of TENNESSEE
County of DAVIDSON

On this 1st day of April, 2005, before me the undersigned authority, personally appeared ~~Robert Beeler Stephens~~ **and Elizabeth Stephens Brownley** (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged the execution of the same as a free act and deed.

My Commission Expires: 4-6-08

DEBBIE BAILEY NOTARY PUBLIC AT LARGE KNOX COUNTY, TENN.

Notary

State of TENNESSEE
County of Davidson

AFFIDAVIT

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this Conveyance of the **Leasehold is Exempt from tax.**

Affiant

Sworn and subscribed before me this 1st day of April, 2005.

My Commission Expires:

CHRISTY W. IVEY NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires JULY 21, 2007