Bk 44

Davidson County DEEDWARR
Recvd: 04/07/05 12:03 3 pg
Fees:18.00 Taxes:1036.00

20050407-0038334

THIS INSTRUMENT PREPARED BY: **Wesley D. Turner** **GULLETT, SANFORD, ROBINSON & MARTIN, PLLC** 315 Deaderick Street, Suite 1100 P. O. Box 198888 Nashville, Tennessee 37219-8888 (615) 244-4994	STATE OF TENNESSEE) COUNTY OF DAVIDSON) The actual consideration or value, whichever is greater, for this transfer is $280,000.00. Affiant Subscribed and sworn to before me, this 6th day of April, 2005. Notary Public My Commission Expires:

WESLEY D. TURNER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires JAN. 27, 2007

Address New Owner As Follows: New Urban Construction, LLC 915A Russell Street Nashville, TN 37206	Send Tax Bills To: Same	Map-Parcel Number: Map 082-09-0 Parcels 77 & 78

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars ($10.00), cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, **ANTHONY L. WERTHAN,** unmarried, hereinafter called the Grantor, has bargained and sold, and by these presents does transfer and convey unto **NEW URBAN CONSTRUCTION, LLC,** a Tennessee limited liability company, hereinafter called the Grantee, its successors and assigns, certain tracts or parcels of land in Davidson County, Tennessee, described as follows:

Being tracts of land lying in the 5th Civil District, Davidson County, Tennessee, said tracts formerly being the property of Werthan Packaging Inc. as recorded in Book 7741, page 757, and being lots 1, 2, 3, 20, 21 and the southeasterly part of lot 19 and the northerly part of lot 45 as shown in Plat Book 2, Page 30, Chancery Court for Davidson County, Tennessee. Said portions being bounded as follows:

On the north by the lands of the City of Nashville, Morgan Park, Book 410, page 251;
On the east by the western right-of-way of Fourth Avenue North;
On the south by the northern right-of-way of Van Buren Street; and
On the west by the eastern right-of-way of Fifth Avenue North.
Except as noted, all references made herein are of the Register's Office, Davidson County, Tennessee. Said tracts being more particularly described as follows:

Tract I:

Beginning at an axle found in the eastern right-of-way of Fifth, Avenue North, said axle being 176.35 feet north of the northeast right-of-way corner of Van Buren Street and Fifth Avenue North, and being the northwest corner of this tract, and the southwest corner of Morgan Park, thence with the south line of Morgan Park, N 63°32'08" E, 172.34 feet to an iron pin set in the western margin of a 16-foot wide alley (not in use); thence, with said alley, S 26°42'54" E, 127.80 feet to an iron pin set in the northern right-of-way of Van Buren Street, said pin being the southeast corner of this tract; thence, with said right-of-way, S 47°51'02" W, 179.59 feet to an iron pin set, said pin being the northeast right-of-way corner of Van Buren Street and Fifth Avenue North, and being the southwest corner of this tract; thence with the eastern right-of-way of Fifth Avenue North, N 26°27'52" W, 176.35 feet to the point of beginning, containing 26,258 square feet or 0.603 acres, more or less, based on a survey by S.E.C., Inc. dated 1-03-03.

Tract II:

Beginning at an iron pin set at the northwest right-of-way corner of Van Buren Street and Fourth Avenue North, said pin being the southeast corner of this tract, thence with the northern right-of-way of Van Buren Street, S 47°51'02" W, 179.59 feet to an iron pin set in the eastern margin of a 16-foot wide alley, (not in use); thence, with said alley, N 26°42'54" W, 122.00 feet to an iron pin set in the south line of Morgan Park; thence with said south line, N 63°01'24" E, 1.80 feet to an iron pin set; thence with a curve to the left, having a radius of 1,225.28 feet, an arc length of 52.63 feet, and a chord bearing and distance of N 56°54'49" E, 52.63 feet to an iron pin set; thence with a curve to the left, having a radius of 158.57 feet, an arc length of 82.15 feet, and a chord bearing and distance of N 45°31'48" E, 81.24 feet to an iron pin set; thence, N 31°24'00" E, 38.11 feet to an iron pin set; thence, N 63°01'24" E, 9.79 feet to an iron pin set in the western right-of-way of Fourth Avenue North, said pin being the southeast corner of Morgan Park and the northeast corner of this tract; thence with said right-of-way, S 26°28'59" E, 125.00 feet to the point of beginning, containing 20,069 square feet or 0.461 acres, more or less, based on a survey by S.E.C., Inc. dated 1-03-03.

Tract III:

Beginning at an iron pin set in the eastern right-of-way of Fourth Avenue North, said pin being 108.79 feet north of the northeast right-of-way corner of Van Buren Street and Fourth Avenue North, and being the southwest corner of this tract, thence with the eastern right-of-way of Fourth Avenue North, N 26°28'59" W, 31.21 feet to an iron pin set; thence leaving said right-of-way, N 47°28'48" E, 50.00 feet to an iron pin set; thence, S 26°28'58" E, 31.21 feet to an iron pin set; thence, S 47°28'47" W, 50.00 feet to the point of beginning, containing 1,500 square feet or 0.034 acres, more or less, based on a survey by S.E.C., Inc. dated 1-03-03.

Being the same property conveyed to Anthony L. Werthan by deed from Werthan Packaging, Inc., a Tennessee corporation, of record as Instrument No. 20021030-0133228, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to:

1. 2005 Metro taxes, a lien but not yet due and payable, which have been prorated and assumed by Grantee. By acceptance of delivery of this instrument, Grantee assumes and agrees to pay such taxes as and when such become payable and to indemnify and hold harmless Grantor from liability and loss therefrom.

2. All matters as shown on the Plan of record in Book 2, page 30, of the Chancery Court for Davidson County, Tennessee.

3. Reservation of easement for 54-inch trunk sewer line as shown on survey by Site Engineering Consultants dated January 3, 2003.

This is unimproved property known as 1502 5th Avenue North and lots on 4th Avenue North, Nashville, TN 37208.

TO HAVE AND TO HOLD the said tracts or parcels of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, its successors and assigns, forever; and I covenant with the said Grantee that I am 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 further covenant and bind myself, my heirs and assigns, to warrant and forever defend the title to the said land to the said Grantee, its successors and assigns, against the lawful claims of all person whomsoever.

WITNESS my hand this 6th day of April, 2005.

Anthony L. Werthan

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **ANTHONY L. WERTHAN**, the within named bargainor, 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 6th day of April, 2005.

Notary Public

My Commission Expires: _____

WESLEY D. TURNER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires JAN. 27, 2007