Davidson County DEEDWARR
Recvd: 06/03/05 15:31 5 pgs
Fees:28.00 Taxes:40955.66
20050603-0063701

# SPECIAL WARRANTY DEED

FROM: AMERICAN HOUSING PRESERVATION CORPORATION, a Virginia non-profit corporation, Grantor

TO: BURNING TREE TN, L.P., a Tennessee limited partnership Grantee

This instrument was prepared by:
Hannah K.V. Cassidy, Esq.
Stites & Harbison PLLC
424 Church Street, Suite 1800
Nashville, Tennessee 37219

| Address New Owner (s) | Name and Address of the Person or Entity Responsible for the payment of Real Property Taxes | Map-Parcel Number |
|---|---|---|
| c/o Freeman Webb Investments, Inc.<br>555 Great Circle Road, Suite 100<br>Nashville, TN 37228 | Same | 86/237 |

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The actual consideration or value, whichever is greater, for this transfer is ELEVEN MILLION SIXTY-NINE THOUSAND NINETY-EIGHT and 58/100 Dollars ($11,069,098.58).

Affiant

SUBSCRIBED AND SWORN TO before me this the 3rd day of June, 2005.

DEBORAH A. HUGHES STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

Notary Public
My Commission Expires: 5/30/2007

My Commission Expires MAY 30, 2007

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FOR AND IN CONSIDERATION OF the sum of ONE MILLION SIX HUNDRED EIGHTY THOUSAND and No/100 Dollars ($1,680,000.00) for the land and NINE MILLION THREE HUNDRED EIGHTY-NINE THOUSAND NINETY-EIGHT and 58/100 Dollars ($9,389,098.58) for the improvements thereon; totaling ELEVEN MILLION SIXTY-NINE THOUSAND NINETY-EIGHT and 58/100 Dollars ($11,069,098.58) for land and improvements, the receipt and sufficiency of which are hereby acknowledged, AMERICAN HOUSING PRESERVATION CORPORATION, a Virginia non-profit corporation ("Grantor"), has bargained and sold, and by these presents does transfer and convey unto BURNING TREE TN, L.P., a Tennessee limited partnership ("Grantee"), its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference, together with all improvements, buildings and structures located thereon (the "Property").

The Property is improved property located in the Second Civil District of Nashville, Davidson County, Tennessee, located at the northeast corner of Old Hickory Boulevard and

Central Pike, and being more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with the appurtenances, estate, title and interest thereto belonging to Grantee, its successors and assigns forever.

And Grantor does covenant with Grantee that Grantor is lawfully seized and possessed of the Property in fee simple and Grantor has a good right to convey the Property.

And Grantor does further covenant and bind Grantor, its successors and assigns to warrant and forever defend the title to the Property to Grantee, its successors and assigns against the lawful claims of all persons whomsoever claiming by, through or under Grantor (other than claims arising from the matters set forth on Exhibit B), but not further or otherwise. This conveyance is expressly made subject to the matters set forth on Exhibit B

Witness my hand this 2 day of June, 2005.

AMERICAN HOUSING PRESERVATION CORPORATION, a Virginia non-profit corporation

By: J. Terry Hunter

Its: President

STATE OF TENNESSEE )
)
COUNTY OF Davidson )

Before me, Richard Wayne Fleming, a Notary Public of said County and State, personally appeared J. Terry Hunter, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged Himself to be President (or other officer authorized to execute the instrument) of AMERICAN HOUSING PRESERVATION CORPORATION, the within named bargainor, a corporation, and that He as such President executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by Himself as President.

Witness my hand and seal, at Office in Nashville, this 2nd day of June, 2005.

Richard Wayne Fleming
Notary Public

My Commission Expires: July 21, 2007

RICHARD WAYNE FLEMING
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.



My Commission Expires JULY 21, 2007

**EXHIBIT A**

Property Description

Being a parcel of land in the Twelfth Councilmanic District of Nashville, Davidson County, located at the northeast corner of Old Hickory Boulevard and Central Pike being more particularly described as follows:

BEGINNING at a point in the easterly margin of Old Hickory Boulevard, said point being approximately 445 feet northerly along said margin from the northerly margin of Central Pike; Thence, leaving said margin of Old Hickory Boulevard with the easterly line of Davco-O.H. Blvd Properties of record in Deed Book 9159, Page 798, R.O.D.C., N 05 degrees 44' 57" E, 461.96 feet to a concrete monument; Thence, N 04 degrees 41' 11" E 516.13 feet to an iron pin in the southerly line of Robert E. Earheart, of record in Deed Book 5637, Page 759, R.O.D.C.; Thence, with said line of Earheart, S 57 degrees 36' 57" E, 780.96 feet to an iron pin;
Thence, S 65 degrees 48' 20" E, 286.95 feet to an iron pin in the westerly line of The Gleaves Family Partnership of record in Instrument Number 20011220-140875, R.O.D.C; Thence, with said Gleaves, S 03 degrees 30' 41" W, 1001.43 feet to an iron pin; Thence, leaving said Gleaves, with the north line of Ricky Mcclintock, of record in Instrument Number 20040625-75481, R.O.D.C., N 83 degrees 14' 13" W, 234.55 feet to a corner post; Thence continuing with said Mcclintock of record in Instrument Number 20040625-75481, R.O.D.C., N 83 degrees 48' 55" W, 193.53 feet to an angle iron; Thence, S 12 degrees 27' 05" W, 110.99 feet to a point in the northerly margin of Central Pike; Thence, with said margin, and a curve concave to the north having a central angle of 04 degrees 31' 39", a radius of 1072.93 feet and a chord of N 62 degrees 43' 17" W, 84.76 feet for an arc length of 84.78 feet to a point; Thence, leaving said Central Pike, with the property of Teachers Retirment System of Kentucky of record in Instrument Number 20000825-84161, R.O.D.C., the following calls:
N 29 degrees 41' 29" E, 178.00 feet to a point;
N 19 degrees 00' 00" W, 233.00 feet to a point;
N 70 degrees 30' 00" W, 50.00 feet to a point;
Thence along or near the northerly line of Ilene Gibbs of record in Instrument Number 2003082-121786, R.O.D.C., the following call;
N 50 degrees 00' 00" W, 230.00 feet to a point;
N 73 degrees 22' 05" W, 52.47 feet to a point;
S 66 degrees 29' 22" W, 140.00 feet to a point in the easterly margin of Old Hickory Boulevard; Thence, with said margin and a curve concave to the west having a central angle of 01 degrees 47' 31" a radius of 2939.79 feet and a chord of N 23 degrees 28' 07" W, 91.94 feet for an arc length of 91.94 feet to the point of beginning, containing 985,215 square feet or 22.62 acres more or less.

Cemetery:
Included in the above described property but expressly excluded therefrom is the following described Gleaves

The Point of Beginning of said cemetery lies S 67 degrees 18' 12" E, 359.93 feet from the concrete monument at the end of the first call of the above described property:
Thence with a fence, N 02 degrees 53' 41" E, 104.29 feet to a point;
Thence N 89 degrees 58' 32" E, 127.93 feet to a point;
Thence S 04 degrees 26' 20" W, 115.53 feet to a point;
Thence N 84 degrees 57' 11" W, 124.74 feet to the point of beginning, containing 13,835 square feet or 0.32 acres, more or less.

Together with a perpetual nonexclusive easement (Easement 3) for ingress and egress as granted to Burning Tree Associates, Ltd. by Deed of Record in Book 5553, Page 20, said Register's Office, and being described as follows:

Beginning at a point, said point being 358.16 feet along the easterly margin of Old Hickory Boulevard from the intersection with the northerly margin of Central Pike; thence, North 66 degrees 29' 22" East, a distance of 140.00 feet; thence, South 73 degrees 22' 05" East, a distance of 52.47 feet; thence, South 50 degrees 00' 00" East, a distance of 90.00 feet to the point of beginning; thence, South 40 degrees 55' 20" East, a distance of 82.53 feet to a point; thence South 50 degrees 00' 00" East, a distance of 50.00 feet to a point; thence South 70 degrees 30'

00" East, a distance of 70.00 feet to a point; thence North 19 degrees 00' 00" West, a distance of 12.00 feet to a point; thence North 70 degrees 30' 00" West, a distance of 50.00 feet to a point; thence, North 50 degrees 00' 00" West, a distance of 140.00 feet to the point of beginning and containing 1,796 square feet or 0.04 acre.

BEING the same land conveyed to American Housing Preservation Corporation (together with the improvements thereon), by Deed of record in Book 9932, page 898, Register's Office for Davidson County, Tennessee.

The description of the Property was obtained from a survey dated November 20, 1995, last revised May 26, 2005, Survey Number 05012(L), prepared by Alan Cummings of Crawford Land Surveyors, PC, whose address is 1929 21st Avenue South, Nashville, TN 37212.

**EXHIBIT B**

Encumbrances

1. Taxes for the year 2005, a lien, which are not yet due and payable.

2. Title to that portion of the property within the bounds of the cemetery reserved in instrument recorded in Book 5193, page 816, together with rights of ingress and egress thereto, and as shown on the survey.

3. Easements for Right of Way to Family Graveyard reserved in instrument of record in Book 5194, page 551, and as shown on the survey described in item 8 below.

4. Perpetual Non-Exclusive Easement for ingress/egress recorded in Book 5553, page 20, and as shown on the survey.

5. Agreements for Dedication of Easement for Sanitary Sewers and/or Storm Drainage to Metropolitan Government of Nashville and Davidson County, Tennessee, as set forth in instruments recorded in Book 11563, page 522 and Instrument No. 20040514-0056661 and as shown on the survey.

6. Agreements for Dedication of Easement for Sanitary Sewers to American Development, LLC as of record in Book 11057, page 784 and Book 11057, page 787 and as shown on the survey.

7. Easement(s) to Burning Tree Associates, Ltd., as set forth in instruments recorded in Book 5193, page 821 and Book 5194, page 548 and as shown on the survey.

8. Survey Number 05012(L), dated 11-30-95, last revised 05/26/05, prepared by Crawford Land Surveyors, indicates the following:

   (a) 20' Sanitary Sewer Easement enters at the northern point of property and is recorded in Book 5193, page 821, R.O.D.C.
   (b) Utility lines running throughout property
   (c) Gas line located in middle of property
   (d) Telephone pedestals and transformer pads located near buildings throughout property
   (e) 20' Rear setback
   (f) 10' side setback

   All as more particularly shown on said survey.