Record & Return To:
Watauga Title Company
155 Franklin Road, Suite 120
Brentwood, TN 37027

Davidson County DEEDWARR
Recvd: 08/31/05 15:44 2 pgs
Fees:13.00 Taxes:1433.75
20050831-0104660

| | |
|---|---|
| **THIS INSTRUMENT PREPARED BY:**<br>**George V. Crawford, Jr.**<br>**GULLETT, SANFORD, ROBINSON & MARTIN, PLLC**<br>315 DEADERICK STREET, SUITE 1100<br>P. O. BOX 198888<br>NASHVILLE, TENNESSEE 37219-8888<br>(615) 244-4994 | STATE OF TENNESSEE )<br>COUNTY OF DAVIDSON )<br><br>The actual consideration or value, whichever is greater, for this transfer is $387,500.00.<br><br>Affiant<br><br>Subscribed and sworn to before me, this 22nd day of August, 2005.<br><br>Notary Public<br><br>My Commission Expires: 7-19-07 |

ROBERT M. LOFFI NOTARY PUBLIC AT LARGE STATE OF TENNESSEE

| | | |
|---|---|---|
| Address New Owner As Follows:<br>Robert J. Peyton and<br>Mary M. Peyton<br>5564 Hearthstone Lane<br>Brentwood, TN 37027 | Send Tax Bills To:<br>Countrywide Homeloans<br>801 Crescent Centre Dr<br>Franklin TN 37067 | Map-Parcel Number:<br><br>160-11A-19 |

## 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, **MALCOLM C. SMALL AND WIFE, DOROTHY J. SMALL**, hereinafter called the Grantors, have bargained and sold, and by these presents do transfer and convey unto **ROBERT J. PEYTON AND WIFE, MARY M. PEYTON**, hereinafter called the Grantees, their heirs and assigns, in a certain tract or parcel of land in Davidson, Tennessee, described as follows:

Land in Davidson County, Tennessee, being Lot No. 19 on the Plan of Hemmingwood, Phases II, III and IV, of record in Book 6900, page 7, Register's Office for said County.

Said Lot No. 19 fronts 75.85 feet on the northerly margin of Hearthstone Lane and extends back 154.49 feet on the easterly line and 163.47 feet on the westerly line to a dead line in the rear, measuring 103.33 feet thereon.

Being the same property conveyed to Malcolm C. Small and spouse, Dorothy J. Small by deed from Calvin Houghland and wife, Josephine H. Houghland, of record in Book 9742, page 322, Register's Office for Davidson County, Tennessee.

A new legal description was not prepared for this transaction. The legal description is the same as the previous instrument of record.

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 Grantees. By acceptance of delivery of this instrument, Grantees assume and agree to pay such taxes as and when such become payable and to indemnify and hold harmless Grantors from liability and loss therefrom.

2. All matters as shown on the Plan of record in Book 6900, page 7, Register's Office for Davidson County, Tennessee.

3. Declaration of Covenants, Conditions and Restrictions, including, but not limited to, easements, assessments, special assessments, charges and liens, contained in an instrument of record in Book 6704, page 329; Book 6892, page 540; Book 6925, page 268; Book 6948, page 268; Book 7269, page 387 and Book 7474, page 205, Register's Office for Davidson County, Tennessee.

This is improved property known as 5564 Hearthstone Lane, Brentwood, TN 37027.

**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 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 further covenant and bind ourselves, our heirs and assigns, 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 person whomsoever.

**WITNESS** our hands this 22nd day of August, 2005.

Malcolm C Small
**MALCOLM C. SMALL**

Dorothy J Small
**DOROTHY J. SMALL**

**By:** Malcolm C Small
**MALCOLM C. SMALL, ATTORNEY IN FACT**

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **MALCOLM C. SMALL**, the within named bargainors, 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 22nd day of August, 2005.

GEORGE V. CRAWFORD, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: _____

My Commission Expires JULY 21, 2007

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **MALCOLM C. SMALL,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the **Attorney-in-fact**, of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

WITNESS my hand, at office, this 22nd day of August, 2005.

GEORGE V. CRAWFORD, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: _____

264185.1/2005218

My Commission Expires JULY 21, 2007