Box 8

PREPARED BY (AND RETURN TO):

WILKINS & IVEY
Attorneys At Law

Woodmont Centre, Suite 100
104 Woodmont Blvd.
Nashville, TN 37205
Ph. (615) 298-3312 - Fax. 292-8746
E-mail: *main@wilkinsandivey.com*

Davidson County DEEDWARR
Recvd: 09/29/05 13:27 3 pgs
Fees:18.00 Taxes:3330.00
20050929-0117161

W & I Ref:(_____) Title No: 46484
Dav. Co. File: Box 8

ADDRESS NEW OWNER:	RESPONSIBLE FOR TAX PAYMENT:
M&S Realty, a Tennessee General Partnership P.O. Box 100225 Nashville, TN 37224	SAME

TAX MAP-PARCEL NUMBERS: 106-09-046

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of **$900,000.00,** cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **David M. Butler and spouse, Betsy P. Butler**, hereinafter called the **Grantor**, has bargained and sold, and by these presents does hereby transfer and convey unto **M&S Realty, a Tennessee General Partnership** 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:**

Land in the 6th formerly 9th Civil District of Davidson County, Tennessee, described according to a survey made by James A. Hamilton, Jr, Surveyor, dated October 25, 1968, as resurveyed on October 29, 1974 as follows:

Beginning in the center of Foster Avenue 289.8 feet south of the centerline of Woodycrest Avenue; thence with the center of Foster Avenue, South 1deg. 53' West 350 feet; thence North 88 deg. 35' West 910.3 feet to a stake; thence North 12 deg. 10' East 312.50 feet to a stake in the east margin of a 50-foot roadway; thence with the easterly margin of said roadway, northeastwardly; 56.2 feet to a stake; thence South 88 deg 35' East 820 feet to the centerline of Foster Avenue, the point of beginning, containing 7 acres, more or less. Being property conveyed to David D. Dortch and Ruth Dortch by deed from Russell D. Easley, Trustee, of record in Book 6852, page 826, Register's Office for Davidson County, Tennessee.

Excluding that portion of the above described real property conveyed to the Metropolitan Government of Nashville and Davidson County, Tennessee in Book 4069, page 225, Register's Office for Davidson County, Tennessee as follows:

Land in the 6th, formerly 9th Civil District of Davidson County, Tennessee, as follows:

Beginning at a point where the property line between Anne Davis Hayes and Westminster Investing Corporation intersects the present West margin of Foster Avenue; thence North 89 deg. 54' West 13 feet along said property line to a point in the new West margin of Foster Avenue; thence South 0 deg. 42' 30' West 302 feet along the new West margin of Foster Avenue, the same being parallel to and 30 feet from the centerline of Foster Avenue to a point in the property line between Westminister Investing Corporation and B. Ray Gilmore and W.M. Fuller; thence South 39 deg, 17' 30" East 13 feet along said property line to a point in the present West margin of Foster Avenue; thence North 0 deg. 42' 30" East 302 feet along the present West margin of Foster Avenue to the point of beginning and containing 0.10 acres, more or less.

And further excluding that portion of the above described real property conveyed to R&L Equipment Co., in Book 5221, page 210, Register's Office for Davidson County, Tennessee.

Beginning at a concrete monument on the westerly margin of Foster Avenue at a point that is 234.64 feet southerly of the southerly end of the southwesterly return curve at Foster Avenue and Kelvington Boulevard, (now Woodycrest) said monument being the southeasterly corner of Lot No. 1, Blackburn Subdivision as of record in Book 4885, page 172, Register's Office of Davidson County, Tennessee; thence with the westerly margin of Foster Avenue, South 1 deg. 58' 00" West a distance of 300.0 feet to a P.K. Nail; thence, North 88 deg. 1' 26" West a

distance of 200.97 feet to an iron pin; thence, North 2 deg. 22' 56" West a distance of 198.79 feet to an iron pin; south 88 deg. 4' 00" East a distance of 198.79 feet to the point of beginning and containing 1.39 acres, more or less.

Being the same property conveyed to David M. Butler and wife, Betsy P. Butler by deed from David D. Dortch and wife Ruth Dortch of record in Book 9421, page 490, Register's Office for Davidson County, Tennessee.

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 2006, and subsequent years; Title to that portion of the premises embraced with the bounds of Foster Avenue. Easement for ingress and egress as retained in Book 5221, page 210, said Register's Office. Easement for sanitary sewers and/or storm drainage to the Metropolitan Government of Nashville and Davidson County, Tennessee, of record in Book 4826, page 852, said Register's Office.

This is improved property, known as: 1909 Foster Avenue, Nashville, Tennessee 37210

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 28th day of September, 2005.

David M. Butler

Betsy P. Butler

State of TENNESSEE
County of DAVIDSON

On this 28th day of September, 2005 , before me the undersigned authority, personally appeared David M. Butler and Betsy P. Butler , to me known (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 as a free act and deed.

My Commission Expires: _____

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.
My Commission Expires JULY 21, 2007

Notary

State of TENNESSEE
County of DAVIDSON

AFFIDAVIT

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this transfer is $900,000.00

Affiant

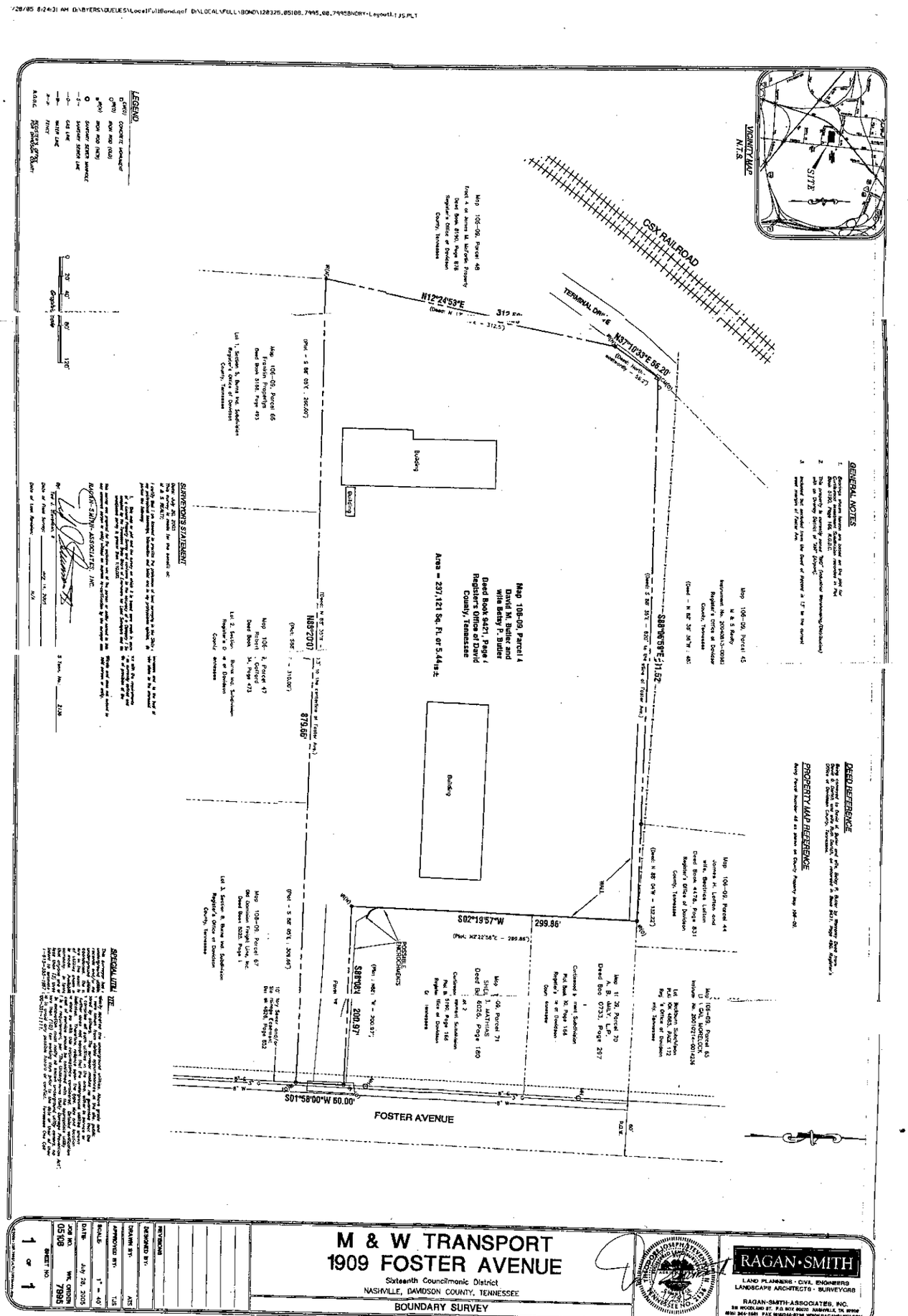
Sworn and subscribed before me this the 28th day of September, 2005

My Commission Expires: _____

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.
My Commission Expires JULY 21, 2007

Notary Public

EXHIBIT A


VICINITY MAP
N.T.S.
SITE
CSX RAILROAD
TERMINAL DRIVE
FOSTER AVENUE
Map 106-09, Parcel 4
David M. Butler and
wife Betsy P. Butler
Deed Book 9421, Page 1
Register's Office of David
County, Tennessee
Area = 237,121 Sq. Ft. or 5.44 ac±
Building
N12°24'53"E
319 ±
N37°10'33"E 56.20'
S89°56'58"E 211.62'
N89°20'00"E
879.66'
S02°19'57"W
299.86'
S88°10'04"
200.97'
S01°58'00"W 60.00'
Map 106-09, Parcel 44
James H. Lofton and
wife, Beatrice Lofton
Deed Book 4178, Page 831
Register's Office of Davidson
County, Tennessee
Map 106-09, Parcel 45
M & S Realty
Instrument No. 20040831-0090361
Register's Office of Davidson
County, Tennessee
Map 106-09, Parcel 71
Lot 1, MATTHEWS
Deed Book 6025, Page 160
Map 106-09, Parcel 70
Lot 2, MATTHEWS
Deed Book 6733, Page 297
Map 106-09, Parcel 43
Lot 1, CARL MCCLELLOCK
Instrument No. 20010214-0014236
Register's Office of Davidson
County, Tennessee
Map 106-09, Parcel 67
Glen Dimmick Freight Line, Inc.
Deed Book 8235, Page 1
Map 106-05, Parcel 66
Franklin Properties
Deed Book 6150, Page 453
Map 106-05, Parcel 47
Deed Book 54, Page 473
Lot 1, Section 5, Burns Ind. Subdivision
Lot 2, Section 5, Burns Ind. Subdivision
Map 106-09, Parcel 49
Front A. M. Norris Jr. McCord, Property
Deed Book 876
Register's Office of Davidson
County, Tennessee
GENERAL NOTES
DEED REFERENCE
PROPERTY MAP REFERENCE
LEGEND
SURVEYOR'S STATEMENT
SPECIAL UTILITY NOTE
M & W TRANSPORT
1909 FOSTER AVENUE
Sixteenth Councilmanic District
NASHVILLE, DAVIDSON COUNTY, TENNESSEE
BOUNDARY SURVEY
RAGAN-SMITH
LAND PLANNERS · CIVIL ENGINEERS
LANDSCAPE ARCHITECTS · SURVEYORS
RAGAN-SMITH ASSOCIATES, INC.
JOB NO. 05108
WK. ORDER 7995
SHEET NO. 1 of 1
SCALE: 1" = 40'
DATE: July 28, 2005
DRAWN BY: ATS
CHECKED BY: TJS
REVISIONS