24993
31B
L.Title

AFTER RECORDING RETURN TO:
Jennifer Flynn Maxwell
LandAmerica Commercial Services
7557 Rambler Road, Suite 1200
Dallas, TX 75231

THIS INSTRUMENT PREPARED BY,
AND UPON RECORDING RETURN TO:

Ben Browder, Esq.
Jenkens & Gilchrist, a Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202

Davidson County DEEDWARR
Recvd: 09/29/05 14:19 5 pgs
Fees:28.00 Taxes:3577.90
20050929-0117230

SPECIAL WARRANTY DEED

STATE OF TENNESSEE §
§
COUNTY OF DAVIDSON §

F&C REAL ESTATE COMPANY, a Delaware corporation ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has Granted, Sold, and Conveyed, and by these presents does Grant, Sell, and Convey, unto C. HUGH HICKS, an individual (an undivided 65% interest) and RHONDA R. HICKS, an individual (an undivided 35% interest) (collectively, the "Grantee"), as tenants in common, having an address of P.O. Box 302, 5102 Walnut Park Drive, Brentwood, Tennessee 37024, (i) all that real property situated in the County of Davidson, State of Tennessee, and more particularly described on Exhibit A attached hereto and made a part hereof for all purposes, (ii) together with all improvements and related amenities located in and on such real property, (iii) easements, if any, benefiting such real property, and (iv) all rights and appurtenances, if any, pertaining to such real property, including any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property").

This Deed is made and accepted expressly subject to the matters set forth in Exhibit B attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances belonging in any way to the Property, unto the said Grantee, its successors and assigns forever, and Grantor binds itself and its successors and assigns to warrant and forever defend all and singular the Property to Grantee, its successors and assigns against every person lawfully claiming or to claim all or any part of the Property, by, through, or under Grantor, but not otherwise.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

Tax Map 160
parcel 163

Property Address: 791 Old Hickory Blvd
Brentwood TN

IN WITNESS WHEREOF, Grantor has executed this Deed to be effective as of this 9th day of September, 2005.

GRANTOR:

F&C REAL ESTATE COMPANY,
a Delaware corporation

By: Marc L. Lipshy
Name: Marc L. Lipshy
Title: Vice President

STATE OF TEXAS §
§
COUNTY OF DALLAS §

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Marc L. Lipshy, the Vice President of F&C REAL ESTATE COMPANY, a Delaware corporation, known to me (or proved to me on oath of _____ or through _____ (description of identity card or other document)), and thereupon he acknowledged that he was authorized to execute the within instrument on behalf of said corporation, and that he executed said instrument as the voluntary act of the said corporation and for the purposes and consideration expressed therein and in the capacity stated therein.

Given under my hand and seal of office this 9th day of September, A.D., 2005.

(Seal)

Jonnie L. Callahan, Notary Public
(signature of Notary Public)

JONNIE L. CALLAHAN NOTARY PUBLIC STATE OF TEXAS EXPIRES 12-23-2006

Send Tax Bills to:

C. Hugh Hick
P.O. Box 302,
5102 Walnut Park Drive,
Brentwood, Tennessee 37024

EXHIBIT A

LEGAL DESCRIPTION

Land in Davidson County, Tennessee, being more particularly described as follows:

A tract or parcel of land in the 32nd Councilmanic District of Metropolitan Nashville and Davidson County, Tennessee, and being Lot 1 on the Final Plat, Resubdivision of Section Three, Highlands of Brentwood (the "Plat"), of record in plat book 8250, page 756, in the office of the Register of Deeds of Davidson County, Tennessee (as prepared by Ragan-Smith Associates, Inc., Job No. 96-075/5224, dated June 27, 1996), to which plat reference is hereby made for a more complete description of said lot.

LESS AND EXCEPT any portions of such property conveyed or taken for rights of way for public streets or roads.

Being the same property conveyed to F & C Real Estate Company by deed of record in Instrument No. 20040930011776, RODC TN.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Easements, or claims of easements, not shown by the public records.

2. Any discrepancies, conflicts, encroachments, servitudes, shortages in area and boundaries or other facts which a correct survey and/or inspection of the Property would show.

3. Taxes for the year 2005 and subsequent years.

4. Declaration of Easements as set forth in Book 10570, page 360 and amended in Book 10760, page 373.

5. All matters shown on Plat recorded in Book 8250, page 756.

6. All zoning ordinances affecting the Property.

7. Rights of parties in possession.

STATE OF TEXAS

COUNTY OF DALLAS

The actual consideration or value, whichever is greater, for this transfer is $967,000.00.

Marc L. Lipshy, as Vice President of F&C Real Estate Company

Subscribed and sworn to before me, this the 9th day of September, 2005.

Notary Public

My Commission Expires: 12/23/2006

JONNIE L. CALLAHAN NOTARY PUBLIC STATE OF TEXAS EXPIRES 12-23-2006