**WARRANTY DEED**

Davidson County DEEDWARR
Recvd: 11/16/05 10:45 2 pg:
Fees:13.00 Taxes:554.26

20051116-0138438

STATE OF TENNESSEE
County of Davidson
THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 149,799.00

Foy R. Smith
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 8th November, 2005

Susan E. Burks
Notary Public

My Commission Expires: 1-24-09
(AFFIX SEAL)

SUSAN E. BURKS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JAN. 24, 2009

**THIS INSTRUMENT WAS PREPARED BY**
**SETTLEMENT SERVICES OF TENNESSEE, LLC, 216 CENTERVIEW DRIVE, SUITE 102**
**BRENTWOOD, TENNESSEE 37027 (615) 591-1156**

**Address of New Owners as Follows:**
Foy R. SMITH
5436 Daniel Ray Drive
Whites Creek, TN 37189

**Send Tax Bills To:**
NVR Mortgage Finance, Inc.
121 Hillpointe Dr., Suite 100
Canonsburg, PA 15317

**Map Parcel No.**
Out of Map 41 Parcel 002.00

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid by the hereinafter named Grantee, and other good valuable consideration, the receipt of which is hereby acknowledged, We, **NVR, Inc., a Virginia Corporation T/A Fox Ridge Homes**, hereinafter called Grantor have bargained and sold, and by these presents do transfer and convey unto **Foy R. SMITH, unmarried**, hereinafter called Grantees, their heirs and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to-wit.

Land in Davidson County, Tennessee, being Lot No. 47 on the Plan of Cobblestone Creek Phase One-A of record as Instrument #20050610-0066806, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description.

Being the same property conveyed to NVR, Inc., t/a Fox Ridge Homes, by deed from Autumn Partner, LLC, of record in Instrument #20050819-0098954, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to:

County taxes for the year 2006, a lien not yet due and payable.

Declaration of Covenants, Conditions and Restrictions for Cobblestone Creek recorded as Instrument #20041208-0146322.

Right of-Way easement granted Tennessee Natural Gas lines Inc., of record in record in Book 2493, Page 137, Register's Office for Davidson County, Tennessee.

Subject to the flow of the waters of any rivers, creeks, or streams across said premises.

Rights of the Public in and to any navigable waterways within the bounds of said premises.(a)The rights of upper and lower riparian owners to the free and unobstructed flow of the water of any rivers, creeks, or streams without diminution or pollution and the consequence of any past or future change in the location of any rivers, creeks, or streams.

Riparian rights incident to premises.

Rights of upper and lower riparian owners in and to the waters of any rivers, creeks, or streams crossing or adjoining the property, and the natural flow thereof, free from diminution or pollution.

Rights of the public in and to a cemetery located on subject property, with rights of ingress and egress thereto.

Any rights, easements, interests or claims which may exist by reason of or reflected by the following facts shown on the survey dated July 8, 2003 by J. Bruce Rainey, R.L.S. No. 823. Job No. 02-162

Stormwater Detention Agreement of record as Instrument #20040304-0024829, Register's Office for Davidson County, Tennessee.

All existing and recorded easements, rights of way and restrictions, all zoning regulations, building restrictions and setback lines, if any, and easements or right of ways for public utilities.

Conveyance of Common Areas from Autumn Partners, LLC to Cobblestone Creek Homeowners Association of record as Instrument #20041208-0146323, Register's Office for Davidson County, Tennessee.

Conveyance of Common Areas to Cobblestone Creek Homeowners Association of record as Instrument #20041208-0146323, Register's Office for Davidson County, Tennessee.

All existing and recorded easements, rights of way and restrictions, all zoning regulations, building restrictions and setback lines, if any, and easements or right of ways for public utilities.

All matters on the Plan of Cobblestone Creek, Phase 1-A, of record in Plat Instrument #20050610-0066806, Register's Office for Davidson County, Tennessee.

Subject to Restrictions of record in Instrument #20041208-0146322, Register's Office for Davidson County, Tennessee. Omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under chapter 42, section 3607 of the united states code or (b) relates to handicap but does not discriminate against handicapped persons.

All existing and recorded easements, rights of way and restrictions, all zoning regulations, building restrictions and setback lines, if any, and easements or right of ways for public utilities.

unimproved: ( )
This is improved: (X) property, known as: **5436 Daniel Ray Drive, Lot 47 Cobblestone Creek, Whites Creek, TN 37189**

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 do 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 do further covenant and bind ourselves, our heirs and representatives, 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. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness MY HAND 8th day of November, 2005.

NVR, INC., a Virginia Corporation, trading as Fox Ridge Homes

BY: _____
Kevin Martin, Appointed Vice President

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally came Kevin Martin, Appointed Vice President, with whom I am personally acquainted and who upon her oath(s) acknowledged himself to be the Appointed Vice President respectively of NVR, Inc., a Virginia corporation, trading as Fox Ridge Homes, the within named bargainor, and corporation, and that he as such Appointed Vice President being authorized so to do, execute the foregoing instrument for the purpose therein contained by signing the name of the corporation, by the said Kevin Martin as such Appointed Vice President, and attesting the same of the corporation, by the said Kevin Martin as such Appointed Vice President.

WITNESS my hand and notarial seal at my office at Brentwood, Tennessee, this 8th day of November, 2005.

NOTARY PUBLIC

ASHLEY BROOK CRAWLEY NOTARY PUBLIC AT LARGE WILLIAMSON COUNTY, TENN.

My Commission expires: 9/16/06