1011

WARRANTY DEED

Original Deed Reference
20030515-0066678

Davidson County DEEDWARR
Recvd: 12/08/05 15:06 6 pgs
Fees:32.00 Taxes:0.00

20051208-0147880

STATE OF TENNESSEE
COUNTY OF Davidson

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS -0-

Heather D Moore
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 13TH DAY OF OCTOBER, 2005.

STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

Laura B Rininger
Notary Public

MY COMMISSION EXPIRES: 3-21-09
(AFFIX SEAL)

THIS INSTRUMENT WAS PREPARED BY
Jane Garrett, Attorney at Law, 209 10th Avenue South Suite 337, Nashville, TN 37203

Prepared by: Laura Rininger

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
Mary Valda Martz	Mary Valda Martz	033.0-0-0151.0000
(NAME)	(NAME)	
409 Water Creek Court	409 Water Creek Court	
(ADDRESS)	(ADDRESS)	
Old Hickory , TN 37138	Old Hickory, TN 37138,	
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, I, ISMAEL GOMEZ, HEREINAFTER CALLED THE GRANTOR, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO MARY VALDA MARTZ ,A MARRIED WOMAN HEREINAFTER CALLED THE GRANTEE, HER HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HEREIN FOR THE LEGAL DESCRIPTION.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HEREIN FOR THE EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

unimproved ☒ Dickerson Pike
This is improved ☐ property, known as

(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

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, her heirs and assigns forever; and we do covenant with the said GRANTEE that I am 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 I do further covenant and bind myself, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE, her heirs and assigns, against the lawful claims of all persons 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 this 13th day of October, 2005.

Ismael Gomez

STATE OF TENNESSEE
COUNTY OF

Witness my hand and official seal at Nashville, Tennessee this 13th day of October, 2005.

Commission expires:

Notary Public

STATE OF TENNESSEE
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State,

Ismael Gomez

the parties(s), with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged that he/she/they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville Tennessee this 13th day of October, 2005.

Commission expires: 3-21-09



Laura B. Rininger
Notary Public

EXHIBIT A

Land in Davidson County, Tennessee, located to the West of and contiguous to Tract 5 of Rivergate Acres, Limited, Section 2 according to the plat of record in Book 6250, Page 206, Register's Office for Davidson County, Tennessee, and being described according to a survey by Bruce Rainey, Surveyor, No. 823, dated March 22, 1982 and revised October 19, 1984, being known as Map 33, Parcel 151 on the Davidson County Tax Map and fully described as follows, to-wit:

Beginning at a point on the South edge of Dry Creek , being 511.50' more or less, southeasterly from the northwest corner of the property conveyed to Forest Lawn Memorial Gardens by deed of record in Deed Book 5826, page 66, Register's Office for Davidson County, Tennessee; thence, S 69 deg. 68' 45" E 34.58' to a point in the center of said creek; thence with the center of said creek the following calls: S 01 deg. 32' 51" W 93.36' to a point; thence S 33 deg. 42'04 E 108.75' to a point; thence S 52 deg. 45' 04" E 104.35' to a point; thence S 40 deg. 46'47" E 414.70' to a point; thence S 32 deg. 15' 06" E 221.42' to a point; S 04 deg. 36'50" W 51.13' to a point; thence S 25 deg. 06' 12" E 68.76' to a point; S 60 deg. 41' 05"E 214.13' to a point; thence S 54 deg. 03' 08" E 41.38' to a point in the westerly margin of Interstate 65; thence leaving said Dry Creek with said margin of I-65 the following calls: S 41 deg. 59'44" W 77.87' to a point; thence S 48 deg. 20' 13" E 50.00' to a point; thence S 41 deg. 39' 47" W 677.53' to a point in a fence; thence leaving I-65 and with a fence the following calls: N 87 deg. 07'27" W 114.16' to a point; thence N 88 deg. 08' 33" W 307.43' to a point of a fence corner; thence N 04 deg. 05' 03" E 86.75' to a point; thence N 02 deg. 59'52"E 177.49' to a point; thence N 02 deg. 31' 44" E 566.76' to a point; thence N 01 deg. 19' 51" W 318.16' to a point at a fence corner; thence leaving said fence N 05 deg. 59' 10" E 438.33' to the point of the beginning, containing 18.13 acres, more or less.

Easement Parcel 1:

Together with an easement granting rights for ingress and egress to and from the property hereinabove described as shown on the plat of Rivergate Acres Limited Section 2 of record in Book 6250, Page 206, Register's Office in Davidson County, Tennessee and more fully described in Deed Book 11396, Page 347 as follows:
Beginning at a point of the southerly margin of a proposed 60' street as shown on the said Subdivision plan, the said point of beginning is also 316.99' easterly from the northwest corner of the said Lot No. 5 of which this easement is part; thence with the southerly margin of the said 60' road N 74 degrees.43' 33" E 50.66' to a point. Thence leaving the margin of the said Road S 18 degrees 10' 07" E 146.06' to a point; thence S 16 degrees 08' 52" West 362.80' to a point; thence S 02 degrees 29' 46" East 195.00' to a point; Thence S 62 degrees 40' 50" 353.31 to a point in the southerly line of the said Lot No. 5; thence with the said southerly line N. 40 degrees 46'47"W 151.41' to a point thence leaving the southerly line of Lot 5 N 62 degrees 40' 50" E 333.32' to a point; thence N 02 degrees 29' 46" W 171.24' feet to a point; thence N 16 degrees 08' 52" E 355.57' to a point; thence N 18 degrees 10'07" W 133.15' to the point of beginning, containing 1.18 acres, more or less.

Being the same easement conveyed by Neely Mortgage Company to Sam and Valda Martz dated December 7, 1984, and recorded in Book 6448, page 60, said Register's Office.

Easement Parcel 2:

Together with an easement for ingress and egress across a portion of Lot No. 3 Section One on the Plan of Rivergate Acres to constitute a 50' right of way more particularly described as follows:

Land in Davidson County, Tennessee being a portion of Lot No. 3, Section One on the Plan of Rivergate Acres, as of record in Book 6250, page 205, said Register's office, described as follows:

BEGINNING at a point on the south edge of Dry Creek Road, being the eastern corner of said Lot No. 3; thence with the southeastern boundary of said Lot S 32 degrees 43' 44" W a distance of 538.73' to a point, being the southern corner of said Lot; thence N 1 degree 32' 51" E a distance of 46.88' to a point; thence N 69 degrees 58' 45 W a distance of 34.58' to a point; thence N 32 degrees 43' 44" E a distance of approximately 500 feet to the south edge of Dry Creek Road; thence along the south edge of Dry Creek Road distance of approximately 55' to the point of beginning.

Being the same easement conveyed by instrument of record in Book 11396, Page 355 Register's Office of Davidson County, Tennessee.

And being the same property conveyed to Ismael Gomez from Valda Martz by Quit Claim Deed dated 2003, recorded June 24, 2004 in Davidson County Register's Office, Tennessee, Instrument No. 20046240074829. Prior vesting is an Installment Deed conveying property to Valda Martz from Ismael Gomez dated May 13, 2003 and recorded May 15, 2003 in the Davidson County Register's Office as Instrument No. 20030515006678.

EXHIBIT B

1. Subject to a Permanent Flowage Easement containing 175,637 square feet or 4.032 acres more or less as conveyed to Metropolitan Government of Nashville and Davidson County as more fully described in Deed Book 11396, Pages 347 and 348.

2. Easement for Ingress and Egress recorded under document number 8991, page 331 in the Register's Office of Davidson County, Tennessee.

3. TVA Easement as shown on the Plat of record in Book 6250 Page 206 for a transmission line easement granted to the United States of America of record in Book 1153, Page 652, and Book 3223, Page 325 and Book 3223, page 327, Register's Office Davidson County, Tennessee.

4. Sanitary Sewer Easement as shown of record in Book 4472, page 271, Book 4805, page 797, Book 5083, page 272, Register's Office for said Davidson County, Tennessee.

5. Water Line Easement for water mains and rights of way granted to the Madison Suburban Utility District as shown of record in Book 6636, Page 832, Register's Office for said Davidson County, Tennessee.

EXHIBIT "c"

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:		
MARY VALDA MARTZ	)	**Chapter 11**
409 Water Creek Court	)	**Case No. 304-04528**
Old Hickory, TN 37138	)	**Judge Marian Harrison**
	)	
Debtor.	)	
	)	

ORDER ALLOWING CONTRACT TO SELL PROPERTY UPON EXPEDITED BASIS

Upon motion filed by the Debtor through counsel pursuant to 11 U.S.C. Section 363 and Local Rule and upon request for hearing of the sale on an expedited manner and upon said motion and good cause shown thereof, this matter came to be heard before this Court on the 20th day of September, 2005 at 9:00 a.m. and upon lack of objection the contract to Suzanne Greer in the amount of $525,000.00 to sell 18 acres of property on Dickerson Road is hereby approved.

1) The closing agent shall pay reasonable closing costs, allowed real estate commissions are as allowed under Local Rule, the payoff to Ishmael Gomez which includes a loan assumed from Sam Tinnin which is in the approximate amount of $280,000.00 subject to further accrual of costs and interest.

2) The claim asserted by the Quitclaim Deed conveying the property to Ishmael Gomez post-petition of record as instrument number 20040624-0074829 shall be satisfied upon payment to Ishmael Gomez as set forth n the terms of paragraph 2.

3) The closing agent is to transmit the balance of proceeds at the close of the sale after payment of the funds set forth above to Debtor's counsel to be held in his trust account pending further order of this Court.

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4) The attorney for the Debtor is to file a report of sale within ten (10) days of closing with a copy to the United States Trustee's office.

IT IS SO ORDERED this _____ day of _____, 2005.

SEP 2 9 2005

/s/Marian F. Harrison
JUDGE MARIAN HARRISON

APPROVED FOR ENTRY:

/s/ Kevin S. Key
KEVIN S. KEY #9519
Attorney for Debtor
222 Second Avenue North
Suite 360-M
Nashville, TN 37201
(615) 256-4080
keykevin@bellsouth.net

CERTIFICATE OF SERVICE

I certify a true and exact copy of the above and foregoing document has been mailed, first class postage prepaid to the U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203 and all creditors per matrix on this 22nd day of September, 2005.

/s/ Kevin S. Key
KEVIN S. KEY #9519