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Davidson County DEEDWARR
Recvd: 02/17/06 16:14 6 pgs
Fees:33.00 Taxes:4773.00
20060217-0019612

THIS INSTRUMENT PREPARED BY: **George V. Crawford III** **GULLETT, SANFORD, ROBINSON & MARTIN, PLLC** 315 Deaderick Street, Suite 1100 P. O. Box 198888 Nashville, Tennessee 37219-8888 (615) 244-4994	STATE OF TENNESSEE) COUNTY OF DAVIDSON) The actual consideration or value, whichever is greater, for this transfer is $1,290,000.00. **Affiant** Subscribed and sworn to before me, this 17th day of February, 2006. Notary Public My Commission Expires: 3-7-2007

Address New Owner As Follows:
AAA Rivergate Self Sorage, LLC
a Tennessee limited liability company
1195 Kimberly Drive
Goodlettsville, TN 37072

Send Tax Bills To:
Same

Map-Parcel Number:
26-13; 70.00

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 Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, **BEN CUNNINGHAM, individually, a forty percent (40%) undivided interest, JOHN APEN, individually, a thirty percent (30%) undivided interest, and ROBERT L. MARCHMAN, III, individually, a thirty percent (30%) undivided interest, as Tenants in Common**, hereinafter called the Grantors, have bargained and sold, and by these presents do transfer and convey unto **AAA RIVERGATE SELF STORAGE, LLC, a Tennessee limited liability company**, hereinafter called the Grantee, his heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows:

Situated in the State of Tennessee, County of Davidson, and the City of Goodlettsville and being in the 10th Civil District of Davidson County and known as and being all of Lot 3 on the Plat of Service Merchandise Plaza as recorded in Plat Book 5050, page 7, R.O.D.C. and further described as follows:

Beginning at a capped rebar set at the southeast corner of said Lot 3 and being the southwest corner of Lot 1 of said Plat of Service Merchandise Plaza;

Thence S 67 degrees 24 minutes 20 seconds W, along the south line of said Lot 3, a distance of 322.36 feet to a point on the east right of way line of the CSX Transportation railroad and passing over a concrete monument found at a distance of 319.06 feet;

Thence N 06 degrees 58 minutes 34 seconds E, along the east right of way of said CSX Transportation, a distance of 600.82 feet to a point and passing over a capped rebar set at a distance of 510.79 feet;

Thence N 67 degrees 51 minutes 25 seconds E, a distance of 31.03 feet to a point;

Thence S 22 degrees 01 minutes 38 seconds E, along the west line of said Lot 1, a distance of 522.34 feet and passing over a railroad spike set at a distance of 67.11 feet to the point of beginning, and having an area of 92331 square feet or 2.12 acres, according to the survey of John Kohl & Company, P.C., 400 7th Avenue South, Nashville, Tennessee 37203, Patrick S. Coode RLS, Tennessee License Number 855, dated February 16, 2006.

INCLUDED IN THIS DESCRIPTION BUT EXPRESSLY EXCULDED IS AN AIR RIGHTS PARCEL GRANTED TO THE STATE OF TENNESSEE.

Beginning at a point in the existing east margin of the CSX Railroad, said point being 27.0 feet right of the proposed centerline station 73+87.82 (Chain Right); thence with the said east margin North 06 degrees 58 minutes 34 seconds east 90.03 feet more or less to a point; thence North 67 degrees 51 minutes 25 seconds east 31.03 feet to a point; thence with the west boundary of the Equitable Life Assurance Society Property South 22 degrees 01 minutes 38 seconds East 67.11 feet to a point; thence with the proposed southeast margin with a 3792.72 foot radius curve left and southwestwardly 76.16 feet to the point of beginning and containing 3726 square feet and being part of the same property conveyed to Guardian Storage Company, LTD, a partnership, by L.H. Hardaway et al of record in Book 6081, page 646, Register's Office for Davidson County, Tennessee.

This is improved property and is located along the east margin of the CSX Transportation Railroad and 350 feet more or less southeast of the I-65 northbound traffic lane.

Being the same property conveyed to Guardian Storage Company, Ltd. a partnership, by deed from L.H. Hardaway, Sr., and L.H. Hardaway, Jr., doing business as Hardaway Construction Company, a partnership, of record in Book 6081, page 646, Register's Office for Davidson County, Tennessee.

Also being the same property conveyed to Ben Cunningham, individually, a forty percent (40%) undivided interest, John Apen, individually, a thirty percent (30%) undivided interest, and Robert L. Marchman III, individually, a thirty percent (30%) undivided interest, as Tenants in Common, by deed from Guardian Storage Company, LLC, a Tennessee limited liability company, successor by conversion to Guardian Storage Company, LTD, a partnership, of record in as Instrument No. _____, Register's Office for Davidson County, Tennessee.

This conveyance is also subject to a non-exclusive utility and access easement of record in Plat Book 5050, page 7, Register's Office for Davidson County, Tennessee, more particularly described as follows:

Beginning at the northeasterly corner of the herein described tract and thence running with the westerly boundary of the Equitable Life Assurance Society Property South 22 degrees 01 minutes 38 seconds east, 50.00 feet to a point; thence South 67 degrees 51 minutes 25 seconds west, 58.78 feet to the easterly margin of the CSX Railroad; thence with westerly line of the herein described tract North 06 degrees 58 minutes 34 seconds East, 57.23 feet to the northwesterly corner of the herein described tract; thence North 67 degrees 51 minutes 25 seconds east, 31.03 feet to the point of beginning and containing 2245 square feet.

* 20060217-0019611

A new legal description was prepared for this transaction.

This conveyance is made subject to 2006 taxes, a lien but not yet due and payable, which have been prorated and assumed by Grantee. By acceptance of delivery of this instrument, Grantee assumes and agrees to pay such taxes as and when such become payable and to indemnify and hold harmless Grantors from liability and loss therefrom. This conveyance is also subject to any and all matters shown on Exhibit A attached hereto.

This is improved property known as **719 Rivergate Parkway, Goodlettsville, TN 37070.**

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, his heirs and assigns, forever; and we covenant with the said Grantee 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 further covenant and bind ourselves, our heirs and assigns, to warrant and forever defend the title to the said land to the said Grantee, his heirs and assigns, against the lawful claims of all person whomsoever.

WITNESS my hand this 17th day of February, 2006.

[SIGNATURES ON FOLLOWING PAGES]

Ben Cunningham

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **BEN CUNNINGHAM**, the within named bargainor, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 17TH day of February, 2006.

Notary Public

My Commission Expires: 3/31/2007

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

John Apen

STATE OF GEORGIA)
COUNTY OF CLAYTON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **JOHN APEN**, the within named bargainor, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 17TH day of February, 2006.

Notary Public

My Commission Expires: March 29, 2009

DORCAS M KING
Notary Public
Clayton County
State of Georgia
My Commission Expires Mar 29, 2009

Robert L. Marchman III

Robert L. Marchman III

STATE OF Georgia)
COUNTY OF Peach)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **ROBERT L. MARCHMAN III**, the within named bargainor, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 17TH day of February, 2006.

Wendy K. Corbett

Notary Public

My Commission Expires: _____

WENDY K. CORBETT NOTARY PUBLIC BIBB COUNTY, GA. Comm. Exp. 10/21/08

EXHIBIT A

PERMITTED ENCUMBRANCES

1. Metro or special taxes and assessments required to be paid in the year 2006 and subsequent years, a lien not yet due and payable.

2. Matters shown on the recorded Plan in Book 5050, Page 7, Register's Office for Davidson County, Tennessee.

3. Utility Easement of record in Book 7497, page 17, Register's Office for Davidson County, Tennessee.

4. Consent Judgment and Final Decree, Docket No. 87C-3428, Circuit Court of Davidson County, Tennessee, granting the State of Tennessee, on Relation of the Commissioner of the Department of Transportation, for and on behalf of said Department, an Air Rights Parcel more particularly described in said document.