THIS INSTRUMENT PREPARED BY: **Mudter Morgan & Patterson** **Attorneys-at-Law** **2000 Richard Jones Road** **Suite 110** **Nashville, Tennessee 37215** **FTEC File No. 25085-01-2006** **Record & Return To:** **First Title and Escrow Company, Inc.** File Box 9B	STATE OF TENNESSEE, COUNTY OF DAVIDSON: The actual consideration or value, whichever is greater, for this transfer is: $435,000.00. Affiant Subscribed and sworn to before me this 27th day of February, 2006. Notary Public My Commission Expires: My Commission Expires JULY 19, 2008

WARRANTY DEED

Address New Owner: Carl C. Rose, Phyllis S. Rose 629 Harpeth Trace Drive Nashville, TN 37221	**Send Tax Bills To:** NEW OWNER	**Tax Information:** Map No.143.02-0A Parcel No. 074.00-CO

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, **Peggy Lustig Kelly, Married**, ("Grantor"), has this day bargained and sold, and does hereby transfer and convey to **Carl C. Rose and wife, Phyllis S. Rose** ("Grantee"), its successors, heirs and assigns, all that tract or parcel of land in Davidson County, Tennessee, more particularly described on Exhibit "A" hereto.

This is improved property located at 629 Harpeth Trace Drive, Nashville, TN 37221
Subject property has never been the principal residence of James Kelly, M.D., spouse of Peggy Lustig Kelly.

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title and interest thereto belonging, to Grantee, its successors, heirs and assigns, forever.

And Grantor covenants that it is lawfully seized and possessed of said real estate in fee simple, has a good right to convey it, and that the same is unencumbered, except as set out on Exhibit "A" hereto. Grantor further covenants and binds itself, its successors, heirs and assigns to warrant and forever defend the title to said real estate to Grantee, its successors, heirs and assigns against the lawful claims of all persons, except as set out on Exhibit "A" hereto.

Whenever used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this instrument on the 27th day of February, 2006.

Peggy Lustig Kelly by Edith Marie Porter-Shirley as Attorney-In-Fact pursuant to Power of Attorney recorded 1/18/2005 as Instrument No. 20050118-0005919

STATE OF TENNESSEE, COUNTY OF DAVIDSON

Before me, the undersigned Notary Public in and for said County and State, personally appeared the within named, Edith Marie Porter-Shirley, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that she executed the within instrument on behalf of Peggy Lustig Kelly as her Attorney-In-Fact, as the free act and deed of the within named Peggy Lustig Kelly.

Witness my hand and official seal at Nashville, Tennessee this 27th day of February, 2006.

NOTARY PUBLIC

STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires JULY 19, 2008

Davidson County DEEDWARR
Recvd: 03/02/06 15:34 2 pgs
Fees:13.00 Taxes:1609.50

20060302-0024566

EXHIBIT "A"

Land in Davidson County, Tennessee, being Lot No. 74 on the Plan of Resubdivision of Lots 73, 74 and 75, Phase Three Harpeth Trace Estates, as of record in Plat Book 6250, page 941, Register's Office for Davidson County, Tennessee to which plan reference is made for a more complete description.

Being the same property conveyed to Peggy Lustig Kelly, married and James H. Kelly, married, as Tenants in Common by Warranty Deed dated, September 3, 1997 from Philip J. Marzullo and wife, Sheryl M. Marzullo of record in Book 10599, page 905, Register's Office for Davidson County, Tennessee. Being further conveyed to Peggy Lustig Kelly by Quitclaim Deed from James Kelly, M.D. in Instrument No. 20040929-0117205, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to:

1. 2006 City/County taxes which have been prorated by the parties and assumed by the Grantee.
2. Declaration of Covenants, Conditions and Restrictions for Harpeth Trace Estates of record in Book 5120, page 208, Book 5120, page 918, corrected in Book 5182, page 767, Book 5178, page 138, Book 5182, page 769, Book 5380, page 357 and Book 6274, page 148, Register's Office for Davidson County, Tennessee, (omitting therefrom any covenants, conditions or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenants, conditions or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons).
3. Charter of Incorporation of Harpeth Trace Services Association of record in Book 5120, page 199 and amended in Book 6556, page 694, Register's Office for Davidson County, Tennessee.
4. Easements to the Metropolitan Government of Nashville and Davidson County for sanitary sewers and/or storm drainage, of record in Book 4889, page 192, Book 5099, page 783, Book 5142, pages 690 and 694, Book 5360, page 320, Book 5364, page 882, Book 6380, page 201, Register's Office for Davidson County, Tennessee.
5. All matters appearing on the Plan of record as Book 6250, page 941, Register's Office for Davidson County, Tennessee.
6. Easement of record in Book 6407, page 892, Register's Office for Davidson County, Tennessee.
7. Easement to Metropolitan Government of Nashville and Davidson County of record in Book 7629, page 243, Register's Office for Davidson County, Tennessee.
8. Overpass Construction Agreement recorded in Book 5102, page 956, Register's Office for Davidson County, Tennessee.