Davidson County DEEDWARR
Recvd: 06/21/06 14:56 4 pgs
Fees:23.00 Taxes:6475.00
20060621-0074263

THIS INSTRUMENT PREPARED BY:
W. Lee Corbett, P.C.
Suite 1050 American Center
3100 West End Avenue
Nashville, Tennessee 37203

SPECIAL WARRANTY DEED

Address New Owner(s)	Send Tax Bills To:	Map-Parcel Number(s)
Smyrna Land Company, Ltd. c/o Grace Development, Inc. 3309 Fairmont Drive Nashville, Tennessee 37203	SAME	Map 34-02, Parcel 105

FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 ($10.00) DOLLARS cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Spiva/Hill Management and Investment, LLC, a Tennessee limited liability company ("Grantor") has bargained and sold, and by these presents transfers and conveys unto Smyrna Land Company, Ltd., a Tennessee limited partnership ("Grantee"), its successors and assigns, a certain tract or parcel of land in the 10th Councilmanic District of Davidson County, Tennessee, described as follows:

Beginning at an iron pin (old) in the southerly margin of Gallatin Pike (U.S. 31E), the northeast corner of a tract of land known as Lot #2, Krispy Kreme Subdivision, being a plat of record which is recorded in Plat Book 7900, Page 790, Register's Office for Davidson County, Tennessee, the most westerly northwest corner of this tract and continuing with the margin of said pike, as follows: with a curve to the right, having a radius of 1909.86 feet, an arc distance of 77.42 feet, and a chord bearing of N 53°08'11" E, 77.41 feet to an iron pin (old); thence, N 54°12'25" E, 94.58 feet to an iron pin (old) in the southerly margin of Gallatin Pike, the northwest corner of Lot #2, Shepherd Hills; thence with the boundary of Lot #2, as follows: S 30°25'18" E, 229.00 feet to an iron pin (old); thence, N 53°10'48" E, 119.00 feet to an iron pin (old) in the westerly margin of Shepherd Hills Drive, the southeast corner of Lot #2, Shepherd Hills; thence with the margin of said drive, as follows: S 27°40'16" E, 112.39 feet to an iron pin (old); thence, with a curve to the left, having a radius of 449.44 feet, an arc distance of 63.61 feet, and a chord bearing of S 36°28'58" E, 63.56 feet to a pipe (old) in the westerly margin of Shepherd Hills Drive, the northwest corner of a tract of land which belongs to Harold D. Gregory, having a deed reference in Deed Book 4537, Page 164, Register's Office for Davidson County, Tennessee; thence with the boundary of said tract of land which belongs to Harold D. Gregory, as follows: S 53°41'26" W, 154.60 feet to an iron pin (old); thence, S

68°52'53" W, 91.60 feet to an iron pin (old), the southwest corner of said tract of land which belongs to Harold D. Gregory, a corner of Lot #1, Burr & Bethea Subdivision, being a plat of record which is recorded in Deed Book 4955, Page 119, Register's Office for Davidson County, Tennessee; thence with the boundary of said tract of land which belongs to Lot #1, Burr & Bethea Subdivision, as follows: S 64°23'00" W, 66.90 feet to an iron pin (old); thence, N 27°17'31" W, passing a common corner of Lot #1, Burr & Bethea Subdivision and Lot #2, Krispy Kreme Subdivision, and continuing in all 369.66 feet to the point of beginning, containing 2.082 acres, as surveyed by Steven E. Artz, Tennessee License No. 1708, d/b/a Steven E. Artz and Associates, Inc., 514 South Brown Street, Suite 600, Springfield, TN, 37172, May 11, 2006.

BEING that property which was conveyed to Spiva/Hill Management and Investment, LLC, by Santa Fe Realty Partners, Inc., in a deed of record which is recorded in Instrument Number 20031203-0174181, Register's Office for Davidson County, Tennessee, said tract being known as Lot #1 of the resubdivision of Lots #1 & #2, Shepherd Hills, being a plat of record which is recorded in Plat Book 7900, Page 709, Register's Office for Davidson County, Tennessee.

This is improved property commonly known as 1919 Gallatin Road, Madison, Davidson County, Tennessee.

Said property is conveyed subject to the following matters:

(1) Davidson County taxes for the year 2006, a lien, not yet due and payable.

(2) All matters shown on the Plan of record in Plat Book 7900, page 709, as amended in Book 9487, page 990, Register's Office for Davidson County, Tennessee.

(3) Reservation of Easement for Sewer Line of record in Book 9371, page 639, Register's Office for Davidson County, Tennessee.

(4) Deed of Conveyance from General Mills Restaurants, Inc., to Metropolitan Government of Nashville and Davidson County, Tennessee of record in Book 9608, page 380, Register's Office for Davidson County, Tennessee.

(5) Stormwater Detention Agreement of record in Book 9336, page 185, Register's Office for Davidson County, Tennessee.

(6) Subject to the matters shown on the survey of Steven E. Artz & Associates, Inc., Steven E. Artz, Surveyor, TN No. 1708, dated May 11, 2006, including but not limited to:

(a) 10 foot public utility easement from the southerly right-of-way of Gallatin Pike.

(b) 20 foot sanitary sewer easement running in a general north-south direction bisecting the southerly portion of the property.

(c) 10 foot drainage easement running in a general north-south direction bisecting the southerly portion of the property.

(d) 10 foot public drainage and utility easement located on the southerly border of the property.

(e) 50 foot minimum building setback line from the westerly right-of-way of Shepard Hills Drive.

(f) 50 foot minimum building setback line from the southerly right-of-way of Gallatin Pike.

(g) 20 foot minimum building setback line across the rear of the property.

(h) Detention easement in the southerly portion of the property.

(i) Anchor for power pole is outside of easement at the southeast corner of the property.

(j) 18" RCP running in a general north-south direction bisecting the property.

(k) 18" RCP located within the southwesterly portion of the detention easement.

(l) 8" sewer line running in a general north-south direction bisecting the southerly portion of the property.

(m) 15" ADS running in a general north-south direction bisecting the southerly portion of the property.

(n) Porch encroaching into 50 foot minimum building setback line running along the southerly right-of-way of Gallatin Pike.

(o) Water meter encroaching onto the property from the westerly right-of-way of Shepard Hills Drive.

(7) Subject to the rights of tenants in possession, as tenants only, under unrecorded leases.

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

Grantor does hereby covenant with Grantee that Grantor, its successors, assigns and representatives, shall warrant and defend title to said land to Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under Grantor, except claims arising out of the matters set forth above, but not further or otherwise.

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

IN WITNESS WHEREOF, the Grantor has executed this Special Warranty Deed as of the 21st day of June, 2006.

Spiva/Hill Management and Investment, LLC

By: George N. Spiva
Its: Chief Manager

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, an official Notary Public of the said county and state, George N. Spiva, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath, acknowledged himself to be the Chief Manager of Spiva/Hill Management and Investment, LLC, a Tennessee limited liability company, the within named bargainor, and who acknowledged that as such Chief Manager, he executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Chief Manager.

WITNESS MY HAND, at office, this 21st day of June, 2006.

MELINDA A. WATKINS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: My Commission Expires NOV. 24, 2007

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer or value of property conveyed (whichever is greater) is $1,750,000.00.

Affiant

Sworn to and subscribed before me this 21st day of June, 2006.

MELINDA A. WATKINS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires: My Commission Expires NOV. 24, 2007