Davidson County DEEDWARR
Recvd: 10/04/06 11:37 3 pgs
Fees:18.00 Taxes:1202.13

20061004-0122988

**SPECIAL WARRANTY DEED**

SAMUEL BENJAMIN DREILING
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY, TENN.
My Commission Expires JUNE 12, 2010

**STATE OF TENNESSEE**
**County of Davidson**
**THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 324,900.00**

**Affiant**
**SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 28 September, 2006**

**Notary Public**
**My Commission Expires:** 6-12-2010
**(AFFIX SEAL)**

**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:** | **Send Tax Bills To:** | **Map Parcel No.** |
|---|---|---|
| Ben UPTON and Elizabeth UPTON | HSBC Mortgage Services | 114-07-0B-181.00 |
| 1764 Haley's Hope Court | 636 Grand Regency Blvd. | |
| Nashville, TN 37209 | Brandon, FL 33510 | |

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 **Ben UPTON and Elizabeth UPTON, husband and wife**, 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 being Lot No.68, on the Plan of Section Seven, Addition to Westchase of record as Instrument #20051202-0144886, 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 Tenn. Contractors, Inc., of record in Instrument #20060323-0033196, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to:

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

Subject to all matters on the Plan of P.U.D. Boundary, Westchase of record in Book 9700, Page 521, Register's Office for Davidson County, Tennessee.

Subject to all matters on the Plan of P.U. D. Boundary, Addition to Westchase of record in Instrument #20040927-0116001, Register's Office for Davidson County, Tennessee.

100'-TVA easement of record in Book 751, Page 374, Book 787, Page 13, and Book 787, Page 14 and as shown on survey of H & H Land Surveying, Inc., dated July 24, 1997, last revised May 7, 1998.

Agreement for Dedication of Easements for Sanitary Sewer of record in Book 5222, Page 720, and Book 5258, Page 261, Register's Office for Davidson County, Tennessee, as shown on the survey of H & H Land Surveying, Inc., dated July 24, 1997, last revised May 7, 1998.

Agreement for Dedication of Easement for Public Utilities of record in Book 8626, Page 852, and Book 8626, Page 868, and in Instrument #20020411-0045301, Register's Office, Davidson, County, Tennessee, as shown on the survey of H & H Land Surveying, Inc., dated July 24, 1997, last revised May 7, 1998.

Agreement for Dedication of Easement for Public Utilities of record in Instrument #20021104-0134795, #20050509-0052105 and Instrument #20050509-0052106, Register's Office, Davidson, County, Tennessee

Rights of ingress and egress to and from a family cemetery as set forth in Section 3 of the Agreement of record in Book 2484, Page 315, Register's Office for Davidson County, Tennessee, as shown on the survey of H & H Land Surveying, Inc., dated July 24, 1997, last revised May 7, 1998.

Easement for the flow of a creek as shown on the survey of H & H Land Surveying, Inc., dated July 24, 1997, last revised May 7, 1998.

Declaration of Covenants, Covenants, Conditions, and Restrictions Easements, Charges, Assessments and liens provided in Covenants, Conditions and Restrictions of The Addition at Westchase of record as Instrument #20050602-0062617, 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.

Subject to lien for Special assessments as contained in the restrictions

Subject to the rights of others in and to the common areas and/or elements.

Subject to all matters on the Plat of Section Seven, Addition to Westchase of record in Instrument #20051202-0144886, Register's Office for Davidson County, Tennessee.

Subject to Stormwater Detention Agreement of record in Instrument #20041020-0126238, Register's Office for Davidson County, Tennessee.

Subject to the flow of any creeks, streams or branches across subject property.

Water (Riparian Rights)-

a) Rights of upper and lower riparian owners to full and unobstructed flow of the water of Overall Creek without diminution or pollution and the consequence of any past or future change in the location of Overall Creek.

b) Riparian rights incident to premesis

c) Rights of upper and lower riparian owners in and to the waters of Overall Creek crossing or adjoining the property and the natural flow thereof, free from dimunition or pollution.

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: **1764 Haley's Hope Court, Lot 68 Westchase, Nashville, TN 37209**

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 persons claiming by, through, or under Grantor, but no others. 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 28th day of September, 2006.

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, Vice President with whom I am personally acquainted and who upon his 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 28th day of September, 2006.

Carolyn Gleaves
NOTARY PUBLIC

My Commission expires: 8-16-08

CAROLYN GLEAVES
STATE OF TENNESSEE
NOTARY PUBLIC
RUTHERFORD COUNTY, TENN.

My Commission Expires 08-16-08