THIS DOCUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

Ben Browder, Esq.
Jenkens & Gilchrist, P.C.
1445 Ross Avenue, Suite 3700
DALLAS, TEXAS 75202

Davidson County DEEDWARR
Recvd: 10/16/06 10:14 7 pgs
Fees:38.00 Taxes:3367.00
20061016-0127891

# SPECIAL WARRANTY DEED

FROM: FULTON AND ASSOCIATES, a Tennessee general partnership
Grantor

This instrument was prepared by:

Jenkens & Gilchrist, P.C.
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202

TO: SHONEY'S, LLC, a Tennessee limited liability company
Grantee

| Address New Owner (s) | Name and Address of the Person or Entity Responsible for the payment of Real Property Taxes: | Map-Parcel Numbers: |
|---|---|---|
| c/o Net Lease Solutions, Inc.<br>12240 Inwood Road, Suite 220<br>Dallas, Texas 75244<br>Attn: Asset Management | Shoney's, LLC<br>c/o Net Lease Solutions, Inc.<br>12240 Inwood Road, Suite 220<br>Dallas, Texas 75244<br>Attn: Asset Management | 163-205.00 |

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The actual consideration or value, whichever is greater, for this transfer is Nine Hundred Ten Thousand and No/100 Dollars ($910,000.00).

SHONEY'S, LLC,
a Tennessee limited liability company

By: Ted R Habermann
Name: Ted R Habermann
Title: Vice President

SUBSCRIBED AND SWORN TO before me, this the 10th day of October, 2006.

LESA C. BOOKER STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

Lesa C Booker
Notary Public

My Commission Expires:
Nov. 14, 2009

FOR AND IN CONSIDERATION OF the sum of Ten and No/100 Dollars ($10.00), the receipt and sufficiency of which are hereby acknowledged, FULTON AND ASSOCIATES, a Tennessee general partnership ("Grantor"), has bargained and sold, and by these presents does transfer and convey unto SHONEY'S, LLC, a Tennessee limited liability company ("Grantee"), its heirs, successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"), together with Grantor's right, title and interest in and to any easements, alleyways, streets and rights-of-way adjoining or abutting said Property, any covenant and other rights appurtenant thereto, if any.

The Property is improved property known as 524 Bell Road, Antioch, Tennessee.

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with any easements, alleyways, streets and rights-of-way adjoining or abutting said Property, any covenant and other rights appurtenant thereto, if any, thereto belonging to Grantee, its heirs, successors and assigns forever.

And Grantor does covenant with Grantee that Grantor is lawfully seized and possessed of the Property in fee simple and Grantor has a good right to convey the Property.

And Grantor does further covenant and bind Grantor, its successors and assigns to warrant and forever defend the title to the Property to Grantee, his heirs, successors and assigns against the lawful claims of all persons whomsoever claiming by, through or under Grantor (other than claims arising from the matters set forth on Exhibit B), but not further or otherwise.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, Grantor has executed this Deed to be effective as of the 13th day of October, 2006.

**GRANTOR**:

FULTON AND ASSOCIATES,
a Tennessee general partnership

By: _____
Name: Richard Fulton
Title: Partner

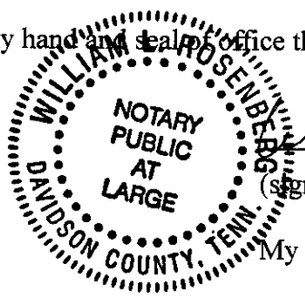
By: _____
Name: Richard H Fulton
Title: Partner

STATE OF ~~TENNESSEE~~ TENNESSEE §
§
COUNTY OF DAVIDSON §

Before me the undersigned, a Notary Public in and for said County and State, personally appeared RICHARD L. FULTON, a partner of FULTON AND ASSOCIATES, a Tennessee general partnership, known to me (or proved to me on oath of _____ or through _____ (description of identity card or other document)), and thereupon he acknowledged that he was authorized to execute the within instrument on behalf of said general partnership, and that he executed said instrument as the voluntary act of the said general partnership and for the purposes and consideration expressed therein and in the capacity stated therein.

Given under my hand and seal of office this 13th day of October, A.D., 2006.

(Seal)




_____, Notary Public
(signature of Notary Public)

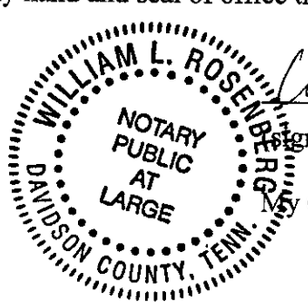
My Commission Expires: MAY 30, 2007

STATE OF TENNESSEE §
§
COUNTY OF DAVIDSON §

Before me the undersigned, a Notary Public in and for said County and State, personally appeared RICHARD A. FULTON, a partner of FULTON AND ASSOCIATES, a Tennessee general partnership, known to me (or proved to me on oath of _____ or through _____ (description of identity card or other document)), and thereupon he acknowledged that he was authorized to execute the within instrument on behalf of said general partnership, and that he executed said instrument as the voluntary act of the said general partnership and for the purposes and consideration expressed therein and in the capacity stated therein.

Given under my hand and seal of office this 13th day of October, A.D., 2006.

(Seal)




_____, Notary Public
(signature of Notary Public)

My Commission Expires: MAY 30, 2007

## EXHIBIT A

### Legal Description

A tract or parcel of land located in Davidson County, Tennessee, more particularly described as follows:

Being Lot No. 2 on the Plan of Cloverleaf Estates, Section 2, as of record in Book 3700, Page 149, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description.

Being the same property conveyed to Fulton and Associates, a Tennessee general partnership, by Warranty Deed from Shoney's, Inc., of record in Book 5993 Page 269 Register's Office for Davidson County, Tennessee.

## EXHIBIT B

### Permitted Encumbrances

1. Taxes and assessments for the year 2006 and subsequent years.

2. Matters shown on the plat of record in Plat Book 3700, Page 149, Register's Office for Davidson County, Tennessee.

3. Agreement with Regard to Modification of Easement, of record in Book 5065, Page 189, Register's Office for Davidson County, Tennessee.