Davidson County DEEDWARR
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Fees:28.00 Taxes:1387.50

20061122-0145172

# PICK-UP

THIS INSTRUMENT PREPARED BY:
BASS, BERRY & SIMS, PLC
AmSouth Center (CDB)
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238-3001

## GENERAL WARRANTY DEED

| Address New Owner(s) | Send Tax Bills To: | Map-Parcel Number(s) |
|---|---|---|
| Gary C. Duke<br>7425 Lakeview Dr.<br>Nashville, TN 37209 | Same | 067-00-0-002.00 |

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 of which is hereby acknowledged, THOMAS S. McNIEL, TRUSTEE OF THE AUSTIN W. DUKE REVOCABLE TRUST Established January 15, 2004 ("Grantor") has bargained and sold, and by these presents transfer and convey unto GARY C. DUKE ("Grantee"), his heirs and assigns, his one-half (½) undivided interest in and to a certain tract or parcel of land in Davidson County, Tennessee, described on Exhibit A attached hereto.

This is improved property known as 5526 Ashland City Highway, Nashville, Tennessee.

Said interest is conveyed subject to the matters described on Exhibit B attached hereto.

TO HAVE AND TO HOLD said interest with the appurtenances, hereditaments, estate, title, and interest thereto belonging (including rights as landlord under existing leases) to Grantee, his heirs and assigns, forever. Grantor covenants that, subject to the matters set forth above, Grantor is lawfully seized and possessed of said interest, has good right to convey it, and that same is unencumbered.

Grantor further covenants and binds himself and his successors to warrant and forever defend the title to said interest to Grantee, his heirs and assigns, against the lawful claims of all persons whomsoever except claims arising out of the matters set forth above.

WITNESS my hand this 16th day of November, 2006.

Thomas S. McNiel, Trustee

THOMAS S. MCNIEL,
TRUSTEE OF THE AUSTIN W.
DUKE REVOCABLE TRUST
Established January 15, 2004

STATE OF TENNESSEE )
)
COUNTY OF DAVIDSON )

Personally appeared before the undersigned, a Notary Public in and for the State and County aforesaid, THOMAS S. McNIEL, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 16 day of Nov., 2006.

Mary Elizabeth Arrington
Notary Public

My Commission Expires:
MY COMMISSION EXPIRES:
July 24, 2010

STATE OF Tennessee )
)
COUNTY OF Davidson )

MARY ELIZABETH ARRINGTON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

The actual consideration for this transfer or value of the interest conveyed (whichever is greater) is $375,000.

Thomas S. McNiel
Affiant

Sworn to and subscribed before me this 16 day of Nov, 2006.

Mary Elizabeth Arrington
Notary Public

My Commission Expires:
MY COMMISSION EXPIRES:
July 24, 2010

MARY ELIZABETH ARRINGTON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

**EXHIBIT "A"**

A tract of land in the 13th, formerly the 25th Civil District of Davidson County, Tennessee, about ten miles west of the City of Nashville, on the north bank of Cumberland River and described as follows:

Beginning at a point on the north bank of Cumberland River at the mouth of Back Creek; thence down said River at low water mark, north 73° west 30 poles to the mouth of Mill Branch; thence up said Branch, north 25° west, crossing the Turnpike at the branch bridge at 5 poles, in all 10 poles to a stake near the branch; thence north 56-1/4° west 20-8/10 poles to a stake near the old spring and 9 feet southwest of a marked Honey Locust; thence north 10° west 37 poles to a stake, near a hickory stump; thence north 56° west 22-3/4 poles to an old marked hornbeam corner; thence north 20° east 16.36 poles to old hickory corner; thence north 46-1/2° east 18 poles to a hickory corner; thence north 26° east 34 poles to a marked hackberry; thence north 62° east 14 poles to a rock pile corner in old road; thence north 4-3/4° west 32-4/10 poles along an old marker line to a plum tree in the fence; thence north 15-1/2° east 28 poles to a sassafras; thence north 6-1/4° east 33-1/4 poles to a rock corner; thence north 50-1/2° west 16 poles to a black oak stump; thence north 27-1/2° west 28 poles to a rock; thence north 64° west 21 poles to a rock; thence south 60° west 28 poles to a hickory and beech; thence north 85° west 18 poles to a hickory and black jack; thence north 24-1/4° west 39.6 poles to three chestnuts; thence north 22° east 30 poles to black oak at Quarry; thence north 5-1/ 2° east 19 poles up three red oaks; thence north 44-3/4° west 58 poles to a rock pile and two black oaks; thence north 20-1/2° east 10 poles to rocks and hickory; thence north 58-1/2° east 12 poles to a red oak; thence north 42° east 36 poles to x-marked dogwood; thence east 35 poles to a white walnut in head of hollow of Back Creek; thence down to hollow and Branch with its meanderings as follows: south 11° west 10 poles, south 8° east 6 poles, south 24 degrees east 12 poles, south 26° east 33 poles, south 1/ 2° east 18 poles, south 7° west 10 poles, south 21° east 15 poles, south 18° west 8 poles, south 42° east 13 poles, south 70° east 6 poles, south 26-3/4° east 21 poles, south 76° east 11 poles, south 36° east 14 poles, south 28° east 18 poles, south 87° east 5 poles, south 46° east 12 poles, south 8 poles, south 49° east 12 poles, south 42-1/2° east 25 poles, south 35° east 33-1/2 poles, south 29° east 21 poles, south 19-3/4° east 14 poles, south 6° east 10 poles, south 27° east (crossing Back Creek) 61-5/10 poles to a point in the center of Back Creek Road, opposite a Hackberry, marked as a pointer to the corner; thence down the center of said Back Creek Road, south 48-1/2° west 11 poles, south 40° west 20 poles, south 51-3/4° west 42 poles, south 41-1/2° west 23 poles, south 22° west 12 poles, south 1° west 23 poles to old Turnpike; thence south 51° west 14 poles to the beginning, containing 215 acres, more or less, according to survey and plat made by W. W. Southgate, on March 29, 1886, of record in Book 94, Page 357, Register's Office for said County, but there is to be excluded therefrom a strip of ground 100 feet wide,

running through said land conveyed to The Tennessee Central Railroad Company by deed of record in Book 273, Page 483, Register's Office for Davidson County, Tennessee.

INCLUDED in the above description, but EXPRESSLY EXCLUDED therefrom is a tract of land conveyed to The Tennessee Central Railway by deed of record in Book 831, Page 57, Register's Office for Davidson County, Tennessee.

INCLUDED in the above description, but EXPRESSLY EXCLUDED therefrom is a tract of land containing 6.537 acres more or less conveyed to the State of Tennessee by instrument filed of record on July 16, 1998, in Book 11023, Page 456, Register's Office for Davidson County, Tennessee

Being the same property conveyed to H. C. Duke, Austin W. Duke, and William D. Nix, by deed from Louis Simpkins, Evelyn Ingram and Margaret S. Egger, executed 06/01/68 and recorded on 06/17/68 in Book 4243, Page 541, Register's Office for said County. William D. Nix conveyed his 1/3 interest to Austin W. Duke and Wife, Nancy Duke, as tenants by the entirety, a one-sixth(1/6) interest; and Elizabeth Duke, a one-sixth (1/6) interest by warranty deed executed 09/05/75 and recorded on 09/09/75 in Book 4949, Page 255, Register's Office for said County. The said Elizabeth Duke conveyed her one-sixth (1/6) interest in subject property to H. C. Duke by Quitclaim Deed executed 09/16/85 and recorded 10/24/85 in Book 6690, Page 971, Register's Office for Davidson County, Tennessee. The said H. C. Duke, being one and the same person as Howard Clifton Duke, a resident of Davidson County, Tennessee, died testate on June 21, 2003, and pursuant to the Last Will and Testament of Howard Clifton Duke of record in Will Volume 5373/1173645, Probate Court for Davidson County, Tennessee, subject property was devised to his son, Gary C. Duke. The said Austin W. Duke (Nancy C. Duke having since died in 1996) having since conveyed their/his portion to Thomas S. McNiel, Trustee of the Austin W. Duke revocable Trust of record in Instrument number 20060309-0027749, Register's Office for Davidson County, Tennessee

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Same description as prior deed.

EXHIBIT B

EXCEPTIONS TO TITLE

1. Davidson County property taxes for 2006, which have been prorated and are assumed by Grantee.

2. Any rollback taxes assessed because of a change in use or failure to maintain greenbelt status of the subject property after the date hereof.

3. Railroad easements of record in Book 273, page 483 and Book 831, page 57, Register's Office of Davidson County, Tennessee.

4. Flowage easement of record in Book 2138, page 487, said Register's Office.

5. Greenbelt application of record in Book 8981, page 898, said Register's Office.

6. Memorandum of cell tower lease of record in Book 11612, page 544, said Register's Office.

7. Rights of parties in possession as tenants.

8. Matters shown by survey of James Terry & Associates dated July 21, 2006.