TN Deed-Warranty (Special) 1

THIS INSTRUMENT PREPARED BY:

Patricia Gregory
Pachter Gregory & Finocchiaro
790 Estate Drive
Suite 150
Deerfield, IL 60015

Davidson County DEEDWARR
Recvd: 01/17/07 15:57 4 pgs
Fees:23.00 Taxes:3163.50
20070117-0007068

Send Tax Bills To:

KJ Bellevue I, LLC
2603 Elm Hill Pike
Suite I
Nashville, TN 37214
Map & Parcel Nos.: part of Map 156, Parcels 4, 5, 26, 28,29, 30, 76 and 113

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Kimco Barclay Harpeth, L.P., a Tennessee limited partnership (herein referred to as "Grantor") has/have this day bargained and sold and, by these presents, does/do hereby transfer and convey unto KJ Bellevue I, LLC, a Tennessee limited liability company (herein referred to as "Grantee"), its heirs and assigns, forever, the following described tract or parcel of land located in Davidson County, Tennessee, to wit (the "Property"):

Outparcel 6 in the Final Plat for Harpeth Village P.U.D. recorded as Instrument No. 20060505-0052434 in the Register's Office for Davidson County, Tennessee, to which plat reference is here made for a more complete legal description. Being part of the same property conveyed to Kimco Barclay Harpeth, L.P., a Tennessee limited partnership, by quitclaim deed recorded in instrument No. 20060314-0029283, Register's Office of Davidson County, Tennessee.

Together with appurtenant easements contained in Declaration of Restrictions, Covenants and Conditions, and Grant of Easements recorded in Instrument No. 20070117-0007067, Register's Office of Davidson County, Tennessee.

TO HAVE AND TO HOLD said tract or parcel of land together with all the improvements thereon and the appurtenances thereunto belonging unto the said Grantee, its heirs and assigns, in fee simple, forever.

GRANTOR COVENANTS with the said Grantee that it is lawfully seized and possessed of the Property, that it has a good and lawful right to sell and convey the Property, and that the Property is free from any lien or encumbrance whatsoever, except for applicable

zoning and building regulations, real estate taxes for 2007 and subsequent years and those matters shown on Exhibit A attached hereto and made a part hereof (the "Permitted Exceptions").

GRANTOR FURTHER COVENANTS with the said Grantee and binds itself and its heirs/successors and assigns, to warrant and forever defend the title thereto of said Property (subject, however, to the Permitted Exceptions) to the said Grantee, its heirs and assigns, against the lawful claims and demands of all persons claiming by, through or under Grantor.

ALL warranties of Grantor herein contained are expressly limited to those persons or parties claiming by, through or under Grantor.

WITNESS this the 17th day of Jan., 2007.

GRANTOR:

KIMCO BARCLAY HARPETH, L.P., a Tennessee limited partnership

By: KD Harpeth 1356, Inc., a Tennessee corporation

By: _____

Name: DANIEL C. SLATTERY

Its: Executive Vice President

STATE OF Illinois)

COUNTY OF DuPage)

Personally appeared before me, Theresa R Zukowski, a Notary Public for the state and county aforesaid, Daniel C. Slattery, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the Exec V.P. of Kimco Barclay Harpeth LP, the maker, and is authorized by the maker to execute this instrument on behalf of the maker.

WITNESS my hand and seal at office this 17th day of January, 2007.

_____
NOTARY PUBLIC

"OFFICIAL SEAL"
THERESA R ZUKOWSKI
NOTARY PUBLIC STATE OF ILLINOIS
COMMISSION EXPIRES 11/21/09

My Commission Expires:
11/21/09

STATE OF TN.
COUNTY OF Davidson

The actual consideration or value , whichever is greater, for this transfer is $ 855,000.00.

AFFIANT

By: _____

Name: JEFF BROWNING

Subscribed and sworn to before me, this 17th day of Jan., 2007.

_____
NOTARY PUBLIC

My Commission Expires:

7/25/09

EXHIBIT A

PERMITTED EXCEPTIONS

1. Subject to all matters shown on the plats of record in Instrument No. 20060505-0052434 and No. 20051227-0153838, Register's Office of Davidson County, Tennessee.

2. Subject to Agreement for Dedication of Public Utilities and Abandonment of Existing Easement of record in Instrument No. 20000510-0047300, Register's Office of Davidson County, Tennessee,, and easements of record in Book 4760, page 842, said Register's Office.(as to appurtenant easements conveyed herein).

3. Subject to Storm Water Detention Agreement of record in Instrument No. 20051219-0151714, Register's Office of Davidson County, Tennessee.

4. Subject to Restrictive Covenants contained in instruments recorded in Book 7511, page 561,Register's Office of Davidson County, Tennessee, re-recorded in Book 7512, page 319 and in Book 7611, page 418 , said Register's Office.

5. Subject to Declaration of Restrictions, Covenants and Conditions, and Grant of Easements recorded in Instrument No. 20070117-0007067, Register's Office of Davidson County, Tennessee.

6. All matters shown on ALTA/ACSM Land Title Survey of Outparcel 6, Harpeth Village P.U.D., dated 12/11/06 by Cherry Land Surveying.