Davidson County DEEDWARR
Recvd: 07/31/07 15:44 7 pgs
Fees:38.00 Taxes:1387.50
20070731-0090967

Prepared By:
NEAL & HARWELL, PLC
150 Fourth Avenue, North
Suite 2000
Nashville, Tennessee 37219
(615) 244-1713

STATE OF TENNESSEE)
COUNTY OF _____)

The actual consideration or value whichever ~~is greater, for this transfer~~ is $375,000.00.

Affiant

LISA K. BRIAN
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

Sworn to and subscribed before me this 31st day of July, 2007.

Notary Public
My Commission Expires: 5/03/2009

WARRANTY DEED

ADDRESS NEW OWNER:	SEND TAX BILLS TO:	MAP-PARCEL:
Cumberland Valley Holding Company, Trustee 1728 General George Patton Drive Suite 200 Brentwood, TN 37027	Same	71-6/73

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS ($10.00), cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt of which is hereby acknowledged, **MARK AVERBUCH, TRUSTEE** of the Gerald Averbuch Annuity Trust, **MARK AVERBUCH, TRUSTEE** of the Blossom Averbuch Annuity Trust, **GERALD AVERBUCH, TRUSTEE** of the B.A.L. Trust, **JUDITH F. NETHERTON, TRUSTEE** of Trust # I - N, and **SUSAN F. BERCK, TRUSTEE** of Trust # I - B, hereinafter called the GRANTORS, have bargained and sold, and by these presents do transfer and convey unto **CUMBERLAND VALLEY HOLDING COMPANY**, TRUSTEE, the GRANTEE herein, its heirs, successors and assigns, a certain tract of land in Davidson County, Tennessee, described as follows, to wit:

SEE ATTACHED EXHIBIT A

This is improved property known as 1410 Brick Church Pike, Nashville, Davidson County, Tennessee.

TO HAVE and to HOLD the said tract of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its heirs, successors and assigns forever.

GRANTORS covenant with the said GRANTEE that they are lawfully seized and possessed of said land in fee simple, that they have good right to convey it and the same is unencumbered except for the following:

1. Taxes for the year 2007, a lien, but not yet due and payable.

2. All matters shown on Plat recorded Book 4860, Page 94, Register of Deed's Office for Davidson County, Tennessee.

3. Terms and provisions of Lease by and between Mark Averbuch, Trustee of the Gerald Averbuch Annuity Trust, Mark Averbuch, Trustee of the Blossom Averbuch Annuity Trust, Gerald Averbuch, Trustee of the B.A.L. Trust, Judith F. Netherton, Trustee of Trust # I-N, and Susan F. Berck, Trustee of Trust # I-B, as landlord and East West Enterprises, LLC, as tenant dated July 20, 2006 and recorded at instrument number 20060727-0090818, Register of Deed's Office for Davidson County, Tennessee.

4. Terms and provisions of Lease between Gerald Averbuch, Marvin Friedman and Eugene Pargh, as lessor, to HCA and Bojangles, and Taco Bell, dated March 15, 1976, as amended December 29, 1981. Amendment of Lease and Sublease and Agreement for Assignment of Sublease and Consent Thereto as of record in Book 7306, Page 225; Book 7306, Page 230; and Book 7306, Page 237, Register of Deed's Office for Davidson County, Tennessee.

GRANTORS further covenant and bind themselves, their heirs, successors and representatives to warrant and forever defend the title to the said land to the GRANTEE, its heirs, successors and assigns, against the lawful claims of all persons whomsoever.

Whenever 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 our hands as of this 31st day of July, 2007.

(signatures on following pages)

Mark Averbuch

MARK AVERBUCH, TRUSTEE
of the Gerald Averbuch Annuity Trust

STATE OF Tennessee)
COUNTY OF Davidson)

Personally appeared before me, a Notary Public in and for said County and State, Mark Averbuch, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained in his capacity as Trustee of the Gerald Averbuch Annuity Trust.

WITNESS my hand and seal, at office in Nashville, Tennessee, this the 30th day of July, 2007.

Notary Public

My Commission Expires: 1-12-09

IVA J. PARKER
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY, TENN.

Mark Averbuch

MARK AVERBUCH, TRUSTEE
of the Blossom Averbuch Annuity Trust

STATE OF Tennessee)
COUNTY OF Davidson)

Personally appeared before me, a Notary Public in and for said County and State, Mark Averbuch, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained in his capacity as Trustee of the Blossom Averbuch Annuity Trust.

WITNESS my hand and seal, at office in Nashville, Tennessee, this the 30th day of July, 2007.

Notary Public

My Commission Expires: 1-12-09

IVA J. PARKER
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY, TENN.

Gerald Averbuch, Trustee

GERALD AVERBUCH, TRUSTEE
of the B.A.L. Trust

STATE OF Tennessee)
COUNTY OF Davidson)

Personally appeared before me, a Notary Public in and for said County and State, Gerald Averbuch, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained in his capacity as Trustee of the B.A.L. Trust.

WITNESS my hand and seal, at office in Nashville, Tennessee, this the 30th day of July, 2007.

Notary Public

My Commission Expires: 1-12-09

IVA J. PARKER
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY, TENN.

Judith F. Netherton, Trustee

JUDITH F. NETHERTON, TRUSTEE
of Trust # I - N

STATE OF Tennessee)
COUNTY OF Davidson)

Personally appeared before me, a Notary Public in and for said County and State, Judith F. Netherton, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that she executed the within instrument for the purposes therein contained in her capacity as Trustee of Trust # I-N.

WITNESS my hand and seal, at office in Nashville, Tennessee, this the 27th day of July, 2007.

Notary Public

IVA J. PARKER
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY, TENN.

My Commission Expires: 1-12-09

Susan F. Berck, Trustee

SUSAN F. BERCK, TRUSTEE
of Trust # I - B

STATE OF Tennessee)
COUNTY OF Davidson)

Personally appeared before me, a Notary Public in and for said County and State, Susan F. Berck, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that she executed the within instrument for the purposes therein contained in her capacity as Trustee of Trust # I-B.

WITNESS my hand and seal, at office in Nashville, TN, this the 30th day of July, 2007.

Stephanie N. Spector
Notary Public

My Commission Expires: 11/22/10

STEPHANIE N. SPECTOR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires NOV. 22, 2010

EXHIBIT A

LEGAL DESCRIPTION

Land in Davidson County, Tennessee, being Lot No. 1 on the Plan of Judy's, as of record in Book 4860, Page 94, Register's Office for said County, described as follows:

Starting at a concrete monument approximately 357 feet from the Southern margin of West Trinity Lane, said monument being at the right of way on Brick Church Pike between the Holiday Inn property and subject property; thence South 5 degrees, 22 minutes West 73.93 feet, thence South 34 degrees 43 minutes 24 seconds East 143.70 feet to a concrete monument, thence North 82 degrees 36 minutes West 229 feet to an iron pin; thence North 7 degrees 24 minutes East 180.30 feet to an iron pin; thence South 82 degrees 36 minutes East 130 feet to the point of beginning.

Being part of the same property conveyed to Marvin P. Friedman, a one-half undivided interest; Eugene Pargh, a one-fourth undivided interest; and Gerald Averbuch and wife, Blossom Averbuch, a one-fourth undivided interest; by deed from Craig Payne and Commerce Union Bank and James E. Richmond, Executors of the Estate of J. W. Richmond, deceased, and Commerce Union Bank, Trustee under the Will of J. W. Richmond, deceased, and Commerce Union Bank, Trustee under the Will of J. W. Richmond, deceased, of record in Book 4133, Page 511, Register's Office for Davidson County, Tennessee.

The said Marvin P. Friedman having conveyed his interest in the subject property to Barbara P. Friedman, Trustee, by quitclaim deed of record in Book 5932, Page 889, said Register's Office. The said Barbara P. Friedman having sinced died, and the trust for which she was trustee having been divided into two equal trusts by Order filed November 25, 2003 in Case No. 03P-1666 in the Seventh Circuit Court for Davidson County, Tennessee, Probate Division, with Judith F. Netherton now serving as the sole Trustee of one trust - which interest is held by Judith F. Netherton, Trustee of Trust # I - N - and Susan F. Berck now serving as the sole trustee of the other trust - which interest is held by Susan F. Berck, Trustee of Trust # I - B - all as more fully set out in the Notice of Removal of Trustee and Division of Trust, of record as Instrument No. 20040211-0016727, said Register's Office.

The said Eugene Pargh having conveyed his interest in the subject property to Gerald Averbuch, Trustee, by quitclaim deed of record in Bok 5945, Page 332, said Register's Office, the interest being more specifically held by Gerald Averbuch, Trustee of the B.A.L. Trust.

The said Gerald Averbuch and wife, Blossom Averbuch, having conveyed two-thirds of their interest in the subject property to Eugene Pargh, Trustee of the Gerald Averbuch Annuity Trust, by quitclaim deed of record in Book 5945, Page 328, said Register's Office; but Eugene Pargh no longer serves as trustee, and Mark Averbuch serves alone in such capacity, so this interest is now held by Mark Averbuch, Trustee of the Gerald Averbuch Annuity Trust. The said Gerald Averbuch and wife, Blossom Averbuch, having conveyed the remaining one-third of their interest in the subject property to Eugene Pargh, Trustee of the Blossom Averbuch Annuity Trust by quitclaim deed of record in Book 5945, Page 330, said Register's Office; but Eugene Pargh no longer serves as trustee, and Mark Averbuch serves alone in such capacity, so this interest is now held by Mark Averbuch, Trustee of the Blossom Averbuch Annuity Trust.