Davidson County DEEDWARR
Recvd: 08/13/07 13:19 5 pgs
Fees:28.00 Taxes:2674.29
20070813-0096576

This Instrument Prepared By:
Joseph V. Ferrelli, Attorney
102 Woodmont Blvd, Suite 200
Nashville, Tennessee 37205

SPECIAL WARRANTY DEED

Address New Owner:	Send Tax Bills To:	Map & Parcel Nos.:
Cumberland Valley Holding Company, Trustee **1728 General George Patton Drive** **Brentwood, Tennessee 37027**	**Same**	**92-16-166.00**

FOR AND IN CONSIDERATION of the sum of Ten ($10.00) Dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **J.D. Eatherly** ("Grantor"), hereby bargains and sells and does hereby transfer and convey unto **Cumberland Valley Holding Company, Trustee** (referred to hereinafter as "Grantee"), certain land located in Davidson County, Tennessee, as further described in **Exhibit A**, attached and incorporated by reference and all rights to common areas and other rights associated therewith (the "Property"). This is improved property located at 1816 Broadway Nashville, Tennessee 37203.

TO HAVE AND TO HOLD the Property, together with all the appurtenances and hereditaments thereunto belonging or in any way appertaining to the Grantee, his heirs and assigns forever.

AND Grantor does hereby covenant with Grantee that it is lawfully seized and possessed of the Property in fee simple, that it has a good right to sell and convey the same, and that the same is unencumbered, except for (1) real estate taxes for 2005, 2006 which are currently delinquent and 2007 and future years, a lien, but not yet due and payable which are assumed by

the Buyer and are to be paid by the Buyer; (2) matters that would be shown on an accurate survey of the Property; (3) conditions, covenants, reservations, requirements, restrictions, options, burdens, agreements, undertakings, assessments and other provisions contained in or incorporated by reference into the Plat of record at Book 231, page 39, as amended by instrument of record in Book 7044, page 209, Register's Office for Davidson County, Tennessee; (4) Contract for Deed and Installment Sales Contract dated November 1, 2004 by and between J.D. Eatherly and Daniel A. Rosen and OTG Nashville One, LLC; Promissory Note dated November 1, 2004 in the original principal amount of $796,250.00 made by OTG Nashville One, LLC to the order to Daniel A. Rosen and J.D. Eatherly; Security Agreement dated November 1, 2004 by and among OTG Nashville One, LLC and Daniel A. Rosen and J.D. Eatherly; UCC Financing Statements showing OTG Nashville One, LLC as debtor and J.D. Eatherly and Daniel A. Rosen as secured party.

In addition to the transfer and conveyance of the Property, the Grantor also hereby assigns to Grantee, and his heirs and assigns, any and all of Grantor's rights under leases pertaining to the Property, or any portion thereof.

AND Grantor does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the Property against the lawful claims and demands of persons claiming by, through, or under Grantor and Daniel A. Rosen, but not otherwise or further.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 3rd day of August, 2007.

(Grantor)

By: _____
J.D. Eatherly

STATE OF TENNESSEE)
) ss.
COUNTY OF DAVIDSON)

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **J.D. Eatherly** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged he executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, at office in Nashville, Tennessee, this 3rd day of August, 2007.

Notary Public

My commission expires:

C.M. CORRIVEAU
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires MAR. 21, 2009

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is $722,781.82

Affiant

Subscribed and sworn to before me, this 3rd day of August, 2007.

NOTARY PUBLIC

My Commission Expires:

C.M. CORRIVEAU
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires MAR. 21, 2009

SCHEDULE A
(Property Description)

Tracts of land in Davidson County, Tennessee being further described as follows:

A CERTAIN TRACT OF LAND LOCATED IN DAVIDSON COUNTY, TENNESSEE AND DESCRIBED AS FOLLOWS:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING PART OF LOT NO. 139 ON THE PLAN OF THE BOYD HOME TRACT, AS OF RECORD IN BOOK 231, PAGE 39, REGISTER'S OFFICE FOR SAID COUNTY, AND DESCRIBED ACCORDING TO A SURVEY MADE FOR A.S. WEINBAUM, BY JOHN WILKES, CIVIL ENGINEER, ON JANUARY 13, 1993, AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BROAD STREET, AND 19TH AVENUE, SOUTH, FORMERLY DOUGLAS AVENUE; THENCE NORTHWARDLY WITH THE EASTERLY MARGIN OF 19TH AVENUE, SOUTH, 184 FEET TO THE SOUTHERLY MARGIN OF AN 11.5 FOOT ALLEY; THENCE EASTERLY WITH THE SAME, 48 FEET TO THE NORTHWEST CORNER OF THE SUSAN P. HUNTER LOT; THENCE SOUTHWARDLY WITH HER WESTERLY LINE, 169 FEET TO THE NORTHERLY MARGIN OF BROAD STREET; THENCE WITH THE MARGIN OF SAID STREET, WESTWARDLY 50.5 FEET TO THE BEGINNING.

BEING THE SAME PROPERTY CONVEYED BY QUITCLAIM DEED FROM 1816 L.L.C., TO DANIEL A. ROSEN AND J. D. EATHERLY AS RECORDED ON THE 8TH DAY OF MARCH, 2001 IN INSTRUMENT NO. 20010308-0022340, AND BEING FURTHER CONVEYED TO J.D. EATHERLY, BY QUIT CLAIM DEED FROM DANIEL A. ROSEN, DATED JULY 3, 2007, OF RECORD IN INSTRUMENT NO. 20070813009657 5, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.