Davidson County DEEDTRS
Recvd: 10/09/07 14:20 5 pgs
Fees:28.00 Taxes:3700.00
20071009-0120274

FROM: **JAMES R. KELLEY**
SUBSTITUTE TRUSTEE

TO: **BANK OF AMERICA, N.A.**
NEW OWNER

Address New Owner as Follows:	Send Tax Bills To:	Map-Parcel No:
Bank of America, N.A. Real Estate Managed Accounts 101 East Kennedy Blvd. FL1-400-07-01 Tampa, Florida 33602	Same	16300039000 and 16300038900

THIS INSTRUMENT PREPARED BY:
NEAL & HARWELL, PLC, 150 FOURTH AVENUE, NORTH, SUITE 2000, NASHVILLE, TENNESSEE 37219

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $1,000,000.00.

AFFIANT

Subscribed and sworn to before me, this the 9th day of October, 2007.

GINGER M. REEVES STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY TENN.

NOTARY PUBLIC

My Commission Expires: 5-30-08

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing dated October 1, 2004, of record in Instrument 20041008-0122008, Register's Office for Davidson County, Tennessee, hereinafter referred to as "Deed of Trust," Providence Crossings, LLC, an Arkansas limited Liability company, conveyed to PRLAP, Inc., Trustee, the

hereinafter described real estate, hereinafter referred to as "Property," to secure an indebtedness evidenced by a Letter of Credit Reimbursement Agreement of even date therewith, which is fully described in the Deed of Trust; and

WHEREAS, default having occurred in the payment of the Letter of Credit Reimbursement Agreement, and in accordance with the terms of the Deed of Trust, the holder thereof declared the entire indebtedness due and owing; and

WHEREAS, the lawful owner and holder of the indebtedness, by the terms of a certain instrument of record in 20070910-0108077, Register's Office for Davidson County, Tennessee, appointed James R. Kelley, Substitute Trustee, in the place and stead of PRLAP, Trustee; and

WHEREAS, the owner and holder of the indebtedness directed James R. Kelley, Substitute Trustee, to sell the Property, and in accordance with the terms thereof, and pursuant to said direction, James R. Kelley, Substitute Trustee, did advertise the Property for sale as provided in the Deed of Trust and Letter of Credit Reimbursement Agreement, and the Property was advertised to be sold at 10:00 a.m., on October 9, 2007, at the front door of the Metro Courthouse, Plaza Entrance, One Public Square in Nashville, Davidson County, Tennessee, at public outcry, to the highest and best bidder for cash, free from the equity of redemption, homestead and dower, and all other exemptions of every kind, all of which are expressly waived in the Deed of Trust, and advertisement of sale was duly published in the *Tennessean*, a newspaper of general circulation in Davidson County, Tennessee, on September 14, 21 and 28, 2007; and

WHEREAS, at the time and place of said sale, and upon the Property being offered under the terms hereinabove set forth, Bank of America, N.A. acting through its agent, Lisa K. Brian, was the highest and best bidder, the Substitute Trustee thereby concluding the sale as of 10:20 a.m., by announcing that the Property had sold;

NOW, THEREFORE, the undersigned, James R. Kelley, Substitute Trustee, pursuant to the credit bid of Bank of America, N.A., acknowledges the credit in the amount of One Million Dollars ($1,000,000.00) against the indebtedness evidenced by the Letter of Credit Reimbursement Agreement which was the highest bid, and for and in consideration of said bid, has bargained and sold, and by these presents does hereby transfer and convey unto Bank of America, N.A., its successors and assigns, the following described real estate in Davidson County, Tennessee:

TRACT 1: Being a tract of land in the southern portion of Davidson County, lying in the 32nd Councilmanic District of Nashville, Tennessee. Bounded on the north by Right-of-Way (ROW) of CSX Railroad (200' ROW), on the east and south by TSC Realty Capital, L.P. as recorded in Instrument #200212050149814, Register's Office Davidson County (RODC), on the west by Hickory Hollow, LTD. as recorded in Book 7034, Page 488 RODC. Tract being described as follows:

POINT OF COMMENCEMENT being the centerline intersection of Crossings Boulevard and Crossings Circle; thence leaving said centerline intersection North 15°48'55" East 1156.2 feet to a point being the southwest corner of Parcel 389 of Tax Map 163 RODC; thence North

21°38'46" East 290.85 feet to a point; thence North 23°18'40" East 254.28 feet to a point; thence North 19°48'36" East 198.92 feet to the TRUE POINT OF BEGINNING being a set point in the southwest corner of the tract being described, said point also being the northwest corner of parcel 389 as mentioned previously; thence North 19°48'36" East 137.62 feet to a found iron rod w/cap (Littlejohn Eng.) on the southerly ROW margin of the CSX Railroad; thence with said ROW margin and a curve to the right having a radius of 2429.33 feet, an arc length of 115.22 feet, a central angle of 2°43'03", a chord bearing and distance of South 67°48'35''East 115.21 feet to a found iron rod w/cap (Littlejohn Eng.); thence continuing with said ROW South 66°29'05" East 1310.26 feet to a set point; thence leaving said ROW margin South 23°30'55" West 139.99 feet to a set point; thence North 66°29'05" West 1416.55 feet to the true point of beginning. Containing 198,840 square feet or 4.56 acres. Described according to the ALTA/ACSM Land Title & Topographic Survey, dated June 17, 2004, last revised September 14, 2004, prepared by Robert M. Searson, Tennessee No. 1666, Littlejohn Engineering Associates, 1935 21st Avenue, South, Nashville, Tennessee 37212, Drawing No. 24125.

Tax ID No. Field Book No. USD 062 00, Map 163-0, Parcel 390

TRACT 2: Being a tract of land in the southern portion of Davidson County, lying in the 32nd Councilmanic District of Nashville, Tennessee. Bounded on the north by Crews Investment Properties of Tn., L.L.C. as recorded in Instrument #200309190139282, Register's Office Davidson County (RODC), also on the north by Right-of-Way (ROW) of CSX Railroad (200' ROW), on the east and south by Crews Investment Properties of Tn., L.L.C. as recorded in 200309190139282 RODC, also on the south by Crews Investment Properties of Tn., L.L.C. as recorded in Instrument #200309190139280 RODC on the west by Hickory Hollow, LTD. as recorded in Book 7034, Page 488 RODC. Tract being described as follows:

POINT OF COMMENCEMENT being the centerline intersection of Crossings Boulevard and Crossings Circle (60' ROW); thence leaving said centerline intersection North 15°48'55" East 1156.2 feet to the TRUE POINT OF BEGINNING being a set point on the common line of Hickory Hollow, LTD as mentioned previously, said point being the southwest corner of the tract being described; thence North 21°38'46" East 290.85 feet to a found iron rod w/cap (Littlejohn Eng.); thence North 23°18'40" East 254.28 feet to a found iron rod w/cap (Littlejohn Eng.); thence North 19°48'36" East 198.92 feet to a set point, being the northwest corner of the tract being described; thence South 66°29'05" East 1416.55 feet to a set point; thence North 23°30'55" East 139.99 feet to a set point in the southerly ROW margin of the CSX Railroad; thence with said margin of the CSX Railroad South 66°29'05" East 231.40 feet to a set point; thence leaving said ROW margin South 48°59'0l" West 835.66 feet to a set point; thence North 11°44'35" West 44.96 feet to a set point; thence North 62°46'15" West 152.43 feet to a set point; thence North 54°43'41" West 268.29 feet to a set point; thence North 60°33'50" West 81.43 feet to a set point; thence North 80°08'16" West 40.05 feet to a set point; thence South 43°33'59" West 48.13 feet to a set point; thence North 15°18'15" East 70.35 feet to a set point; thence North 80°38'49" West 348.32 feet to a set point; thence South 64°53'20" West 351.40 feet to a set point; thence North 25°06'40" West 144.15 feet to the true point of beginning.

Containing 874,253 square feet or 20.07 acres. Described according to the ALTA/ACSM Land Title & Topographic Survey, dated June 17, 2004, last revised September 14, 2004, prepared by Robert M. Searson, Tennessee No. 1666, Littlejohn Engineering Associates, 1935 21st Avenue, South, Nashville, Tennessee 37212, Drawing No. 24125.

Tax ID No. Field Book No. USD 062 00, Map 163-0, Parcel 389

Together with appurtenant non-exclusive access easement established by Agreement and Grant of record as Instrument No. 20040608-0067800, Register's Office for Davidson County, Tennessee. Assignment and Assumption dated October 8, 2004, recorded on October 8, 2004 as Instrument No. 20041008-0121998, Register's Office for Davidson County, Tennessee. Supplement to Agreement and Grant dated October 8, 2004, recorded on October 8, 2004 as Instrument No. 20041008-0121999 Register's Office for Davidson County, Tennessee. Metes and bounds description of easement as follows:

Being a proposed Right of Way lying on, over and across lands of Crews Investment Properties of Tn., L.L.C., as recorded in Instrument Number 200309190139282, Registers Office Davidson County (RODC) and lands of Crews Investment Properties of Tn., L.L.C., as recorded in Instrument Number 200309190139280, RODC, lying in the southern portion of Davidson County and in the 32nd Councilmanic District of Nashville, Tennessee. Bounded on the west by the remainder of said Crews Investment Properties of Tn., L.L.C., as recorded in Instrument Number 200309190139282, RODC; bounded on the north by Hickory Hollow, LTD., as recorded in Book 7034, Page 488, RODC; bounded on the east by TSC Realty Capital, L.P., as recorded in instrument Number 200212050149814, RODC, by the remaining lands of Crews Investment Properties of Tn., L.L.C., as recorded in Instrument Number 200309190139280, RODC, and by America Properties Company, L.P., as recorded in Book 10523, Page 878, RODC; and bounded on the south by the existing 60' Right of Way (ROW) of Crossings Circle, as shown on Plat Book 7900, Page 36. Tract being described as follows:

Beginning at a point lying on said existing ROW of Crossings Circle, said point being N34°26'42"E, 457.0', from centerline intersection of Crossings Boulevard and Crossings Circle; thence leaving said ROW of Crossings Circle with the following: N38°12'20"E 111.52', to a point; thence on a curve to the left having a radius of 280.20', a length of 138.37', an interior angle of 28°17'42", and having a chord bearing and distance of N23°28'58"E, 136.97', to a point; thence on a curve to the left having a radius of 443.50', a length of 268.96', an interior angle of 34°44'51", and having a chord bearing and distance of N08°01'30"W, 264.86', to a point; thence N25°23'55"W, 169.10', to a point; thence N21°38'46"E, 81.98', to a point; thence S25°23'55"E, 46.40', to a point; thence on a curve to the left having a radius of 15.00', a length of 23.49', an interior angle of 89°42'45", and having a chord bearing and distance of S70°15'18"E, 21.16', to a point; thence N64°53'20"E, 9.18', to a point; thence S25°06'40"E, 59.86', to a point; thence S64°36'05"W, 8.81', to a point; thence on a curve to the left having a radius of 15.00', a length of 23.56', an interior angle of 90°00'00", and having a chord bearing and distance of S19°36'05"W, 21.21', to a point; thence S25°23'55"E, 88.65', to a point; thence on a curve to the right having a radius of 503.50', a length of 305.35', an interior angle of 34°44'51", and having a chord bearing and distance of S08°01'30"E, 300.69', to a point; thence on a curve to the right having a radius of 340.20', a length of 168.59', an interior angle of 28°23'34", and having a chord bearing and distance of S23°32'20"W, 166.86', to a point; thence S38°12'20"W, 111.52', to a point lying on said existing ROW of Crossings Circle; thence along said existing ROW of Crossings Circle N51°48'14"W, 60.00', to the point of beginning.

Containing 46,480 square feet or 1.07 acres. Described according to the ALTA/ACSM Land Title & Topographic Survey, dated June 17, 2004, last revised September 14, 2004, prepared by Robert M. Searson, Tennessee No. 1666, Littlejohn Engineering Associates, 1935 21st Avenue, South, Nashville, Tennessee 37212, Drawing No. 24125.

Together with appurtenant non-exclusive access easement established by Easement Agreement recorded on December 5, 2002 at 20021205-0149815, Register's Office for Davidson

County, Tennessee, as amended by Amendment to Easement Agreement, of record as Instrument No. 20041008-0122000, said Register's Office.

Being the same property conveyed to Providence Crossings, LLC by Deed from SC Capital, LLC, a Tennessee limited liability company, as to a 9.174% undivided interest, CPI-Realty, L.P., a Tennessee limited partnership, as to a 45.413% undivided interest, and Smith Realty Interests, LP, a Tennessee limited partnership, as to a 45.413% undivided interest, of record as Instrument No. 20041008-0121997, Register's Office for Davidson County, Tennessee.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to Bank of America, N.A. its successors and assigns, forever; and James R. Kelley, Substitute Trustee, does hereby transfer, assign, and set over unto Bank of America, N.A., all of his right, title and interest in the said property as Substitute Trustee, but no further or otherwise.

IN WITNESS WHEREOF, the said James R. Kelley, Substitute Trustee, has executed this instrument on this the 9th day of October, 2007.

JAMES R. KELLEY, SUBSTITUTE TRUSTEE

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named James R. Kelley, Substitute Trustee, the bargainor, 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 Substitute Trustee.

Witness my hand and seal, at office in Nashville, Tennessee, this the 9th day of October, 2007.

GINGER M. REEVES NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY

NOTARY PUBLIC

My Commission Expires: 5-30-08