39B

THIS INSTRUMENT PREPARED BY: **Mudter Morgan & Patterson** **Attorneys-at-Law** **2000 Richard Jones Road** **Suite 110** **Nashville, Tennessee 37215** **FTEC File No. 27191-11-2007** **Record & Return To:** **Centennial Title Company, Inc.** **30 Burton Hills Blvd., Suite 240** **Nashville, TN 37215**	STATE OF TENNESSEE, COUNTY OF DAVIDSON: The actual consideration or value, whichever is greater, for this transfer is: $290,000.00. Barbara C. Rose, Trustee Affiant Subscribed and sworn to before me this 14th day of December, 2007. Notary Public My Commission Expires:

GEORGE E. MUDTER, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires JULY 19, 2008

WARRANTY DEED

Address New Owner: Diane T. Payne 5512 Hearthstone Lane Brentwood, TN 37027	**Send Tax Bills To:** SunTrust Mortgage 1001 Semmes Ave Richmond, VA 23224	**Tax Information:** Map and Parcel No.: 160110A087.00CO

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, **Barbara C. Rose and Nena L. Couch, Co-Trustees of the Ellen C. Kuhn Trust for the benefit of Orrie A. Couch, Jr.**, ("Grantor"), has this day bargained and sold, and does hereby transfer and convey to **Diane T. Payne** ("Grantee"), its successors, heirs and assigns, all that tract or parcel of land in Davidson County, Tennessee, more particularly described on Exhibit "A" hereto.

This is improved property located at 5512 Hearthstone Lane, Brentwood, TN 37027

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title and interest thereto belonging, to Grantee, its successors, heirs and assigns, forever.

And Grantor covenants that it is lawfully seized and possessed of said real estate in fee simple, has a good right to convey it, and that the same is unencumbered, except as set out on Exhibit "A" hereto. Grantor further covenants and binds itself, its successors, heirs and assigns to warrant and forever defend the title to said real estate to Grantee, its successors, heirs and assigns against the lawful claims of all persons, except as set out on Exhibit "A" hereto.

Whenever used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this instrument on the 11th day of December, 2007.

Barbara C. Rose, Trustee — Barbara C. Rose, Trustee

Nena L. Couch, Trustee — Nena L. Couch, Trustee

STATE OF TENNESSEE, COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, aforesaid, **Barbara C. Rose, Trustee**, 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 14th day of December, 2007.

GEORGE E. MUDTER, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

Notary Public

My Commission Expires:

My Commission Expires JULY 19, 2008

STATE OF Ohio COUNTY OF Franklin

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, aforesaid, **Nena L. Couch, Trustee**, 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 11 day of December, 2007.

Notary Public

My Commission Expires: 7-27-2011

NOTARY PUBLIC STATE OF OHIO

OLIVER GOLDTHWAITE
Notary Public, State of Ohio
My Commission Expires 07-27-2011
Recorded in Franklin County

Davidson County DEEDWARR
Recvd: 12/18/07 13:43 2 pgs
Fees:13.00 Taxes:1073.00

20071218-0145301

EXHIBIT "A"

Land in Davidson County, Tennessee, being Lot No. 87 on the Plan of Phases II, III and IV, Hemmingwood, as of record in Plat Book 6900, pages 7 and 8, Register's Office for Davidson County, Tennessee to which plan reference is made for a more complete description.

Being the same property conveyed to Orrie A. Couch, Jr., Barbara C. Rose and Nena L. Couch, Trustees for the benefit of Orrie A. Couch, Jr. by Warranty Deed dated April 28, 1988 from Homes By Heritage, Inc., a Tennessee corporation of record in Book 7531, page 267, Register's Office for Davidson County, Tennessee. Orrie A. Couch, Jr. having resigned as a Co-Trustee on November 2, 2005. The Ellen C. Kuhn Trust for the benefit of Orrie A. Couch, Jr. was established by Will of Ellen C. Kuhn, Docket No. 73446, Davidson County Probate Court Clerk's Office, Tennessee.

This conveyance is made subject to:

1. 2007 City/County Taxes which have been paid by the Grantor and prorated by the parties.
2. Declaration of Covenants, Conditions and Restrictions for Hemmingwood of record in Book 6730, page 329, amended in Book 6892, page 540, Book 6925, page 268, corrected in Book 6948, page 268, Book 7269, page 387 and Book 7474, page 205, Register's Office for Davidson County, Tennessee, (omitting therefrom any covenants, conditions or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenants, conditions or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons).
3. Dedication of common area to Hemmingwood Homeowner's Association, Inc. of record in Book 6962, page 404 and re-recorded in Book 7207, page 84, Register's Office for Davidson County, Tennessee.
4. Charter of Incorporation of Hemmingwood Home Owner's Association, Inc. of record in Book 6704, page 373, amended in Book 6936, page 893, Book 7496, page 163, restated in Book 8762, page 169, Register's Office for Davidson County, Tennessee.
5. Easements to the Metropolitan Government of Nashville and Davidson County for sanitary sewers and/or storm drainage, of record in Book 4974, page 788 and in Book 10170, page 584, Register's Office for Davidson County, Tennessee.
6. All matters appearing on the Plan of record as Book 6900, pages 7 and 8, Register's Office for Davidson County, Tennessee.
7. Storm water detention agreement of record in Book 6728, page 673, Register's Office for Davidson County, Tennessee.