Davidson County DEEDWARR
Recvd: 01/15/08 15:44 5 pgs
Fees:28.00 Taxes:46620.00
20080115-0004671

THIS INSTRUMENT PREPARED BY:
Wesley D. Turner
GULLETT, SANFORD, ROBINSON & MARTIN, PLLC
315 Deaderick Street, Suite 1100
P. O. Box 198888
Nashville, Tennessee 37219-8888
(615) 244-4994

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is $12,600,000.00.

Mary Ellen Rodgers
AFFIANT

Subscribed and sworn to before me, this 15th day of January, 2008.

Notary Public

My Commission Expires: 1/9/2011

PETER WEISS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

Address new owner as follows:	Send Tax Bills to:	Map-Parcel Numbers
Abe's Garden c/o Michael D. Shmerling 618 Church Street, Suite 200 Nashville, TN 37203	SAME	Map 11-6-03 Parcels 15 and 27

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 ($10.00) Dollars, cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, **PRESBYTERIAN APARTMENTS, INCORPORATED,** a Tennessee non-profit corporation, hereinafter called the Grantor, has bargained and sold, and by these presents does transfer and convey unto **ABE'S GARDEN,** a Tennessee non-profit corporation, hereinafter called the Grantee, its successors and assigns, a

certain tract or parcel of land in Davidson County, State of Tennessee, described as follows:

A tract of land in the Twenty-Fourth Councilmanic District, formerly the Eleventh Civil District of Davidson County, Tennessee, being a part of the Royal Oaks Property, being a part of Lot Number 3 on the Plan of Sarah E. Williams Lands, as of record in Book 161, Page 50 in the Register's Office for Davidson County, Tennessee, and being Lot Number 137, the northerly 23 feet of Lot Number 138, a part of Lot Numbers 139, 140, 141, 142, and 143, and part of a 10 foot reserved strip in the rear of said Lot Numbers 137, 138, 139, 140, 141, 142, and 143 on the Plan of Kenner-Manor Land Company's Second Subdivision of the Kenner Tract, as of record in Book 421, Page 100 of said Register's Office, and more fully described according to a ALTA/ACSM Land Title Survey by Patrick S, Coode, Tennessee Registered Land Surveyor No. 855, dated December 5, 2007, as follows:

Beginning at an aluminum monument at the southwest corner of a tract of land owned by Royal Oaks Apartments as of record in Book 5200, Page 45; thence with the said tract of land the following three calls, 1) North 55 degrees 26 minutes 43 seconds East a distance of 710.76 feet to a concrete monument, 2) thence North 33 degrees 24 minutes 13 seconds West a distance of 89.30 feet to a concrete monument and a point on a non tangent curve, 3) thence along said curve an arc distance of 91.36 feet to a concrete monument (said curve having a radius of 95.00 feet, a chord length of 87.88 feet, and a chord bearing North 06 degrees 30 minutes 04 seconds West); thence along the 10 foot reserved strip of said Kenner-Manor Land Company's Subdivision of the Kenner Tract North 33 degrees 25 minutes 43 seconds West a distance of 49.65 feet to a 3/4" rebar; thence with northerly line of Lot Number 137 of the said Kenner-Manor land North 53 degrees 59 minutes 01 seconds East a distance of 184.97 feet to a 1" iron pipe; thence along the easterly line of Lot Number 138 and 137 of said Kenner-Manor land South 36 degrees 06 minutes 26 seconds East a distance of 122.62 feet to a 1/2" rebar with a cap marked "Montoya"; thence along a line 23 feet southerly and parallel with the northerly line of said Lot Number 138 South 53 degrees 54 minutes 05 seconds West a distance of 189.30 feet to a 5/8" rebar with yellow cap set marked "Schneider Corporation" hereinafter referred to as REBAR; thence along the westerly line of said Lot Number 138 South 34 degrees 19 minutes 40 seconds East a distance of 78.27 feet to a REBAR; thence along the westerly line of land owned by Jerry R. and Jacqueline A. Bellar of record in Book 8177, Page 476 in said Register's Office South 31 degrees 44 minutes 07 seconds East a distance of 99.70 feet to a 1/2" rebar with cap marked "T&A 1123"; thence along the westerly line of land owned by Randall L. and Peggy Kinnard of record in Book 5024, Page 502 in said Register's Office South 36 degrees 12 minutes 55 seconds East a distance of 100.00 feet to a point in a 36" Oak tree; thence along the westerly lines of land owned by Nichols Court as of record in Book 5200, Page 496 the following two calls, 1) South 02 degrees 16 minutes 34 seconds East a distance of 199.97 feet to a REBAR, 2) South 29 degrees 31 minutes 08 seconds East a distance of 135.50 feet to a REBAR;

thence along the northerly line of Lot Number 144 of said Kenner-Manor land South 53 degrees 36 minutes 56 seconds West a distance of 120.00 feet to a REBAR; thence along Phase II of Westchase as of record in Book 6250, Page 43 of said Register's Office South 57 degrees 36 minutes 56 seconds West a distance of 199.55 feet to the centerline of Sugar Tree Creek; thence with said creek the following three calls, 1) North 63 degrees 40 minutes 00 seconds West a distance of 139.55 feet, 2) South 85 degrees 50 minutes 00 seconds West a distance of 133.00 feet, 3) North 85 degrees 02 minutes 32 seconds West a distance of 159.34 feet; thence along land owned by Richard J. Eskind as of record in Book 7900, Page 576, said Register's Office North 36 degrees 54 minutes 17 seconds West a distance of 194.19 feet to the point of beginning.

Being the same property conveyed to Presbyterian Apartments, Incorporated, a Tennessee non-profit corporation, by deed from Royal Oaks Properties, Inc., a Tennessee corporation, of record in Book 3165, Page 465, Register's Office for Davidson County, Tennessee, and also being the same property conveyed to Presbyterian Apartments, Incorporated, a Tennessee non-profit corporation, by deed from Julius E. Curley and wife, Frances Turner Curley, of record in Book 3073, Page 352, Register's Office for Davidson County, Tennessee.

This conveyance is subject to the following:

1. 2008 Metro taxes, a lien not yet due and payable, which have been prorated and assumed by Grantee. By acceptance of delivery of this instrument Grantee assumes and agrees to pay such taxes prior to delinquency thereof, and to indemnify and hold harmless Grantor from all liability and loss arising therefrom.

2. Matters shown on the Plan of record in Book 421, page 100, Register's Office for Davidson County, Tennessee.

3. Matters shown on the Plan of record in Book 161, page 50, Register's Office for Davidson County, Tennessee.

4. Pipeline Easement of record in Book 3165, page 607, Register's Office for Davidson County, Tennessee.

5. Sanitary Sewer Easement of record in Book 3983, page 110, and in Book 3347, page 182, Register's Office for Davidson County, Tennessee.

6. Rights of parties in possession as residents under unrecorded leases.

7. Matters shown on survey of Patrick S. Coode, RLS, Tennessee License No. 855 dated December, 2007.

This is improved property known as 115 Woodmont Boulevard, Nashville, Tennessee 37205.

This conveyance is made "AS IS" and "WITH ALL FAULTS" as to condition of the subject property and Grantor specifically disclaims any and all warranties as to condition thereof, including, but not limited to, any implied warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, its successors and assigns, forever; and it does covenant and bind, itself, its successors and assigns, to warrant and forever defend the title to the said land to the said Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

WITNESS our hand the 15th day of January, 2008.

PRESBYTERIAN APARTMENTS, INCORPORATED,
a Tennessee non-profit corporation

By: _____
Melinda Sanders, Chairperson of the Board of Directors

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **MELINDA SANDERS,** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained, and who further acknowledged that she is **CHAIRPERSON OF THE BOARD OF DIRECTORS** of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker to execute this instrument on behalf of the maker.

Witness my hand, at office, this 14 day of January, 2008.

_____
Notary Public

My Commission Expires: _____

WESLEY D. TURNER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires NOV. 22, 2010

I, the undersigned, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

PETER WEISS

State of Tennessee)
County of Davidson)

Personally appeared before me, the undersigned, a Notary Public for this county and state **PETER WEISS** who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

My Commission Expires: 01/03/11

Notary Public

