RETURN TO:
TRI STAR TITLE & ESCROW, LLC
279 ROBERT ROSE DRIVE, STE B
MURFREESBORO, TN 37129

Send Tax Statements To:
New Owner

This Instrument Prepared By:
JOHN G. MITCHELL, III
Attorney at Law
279 Robert Rose Drive, Suite B
Murfreesboro, TN 37129

Name and Address of New Owner:

Benjamin J. Ness
1008 Shire Drive
Cane Ridge, TN 37013

From Information Furnished By
The Parties

Map and Parcel:
174-01-0A-049.00

Davidson County DEEDWARR
Recvd: 02/25/08 15:24 3 pgs
Fees:18.00 Taxes:570.61
20080225-0018417

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

WARRANTY DEED

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, the undersigned, **OLE SOUTH PROPERTIES, INC., a Tennessee Corporation,** has this day bargained and sold and does hereby transfer and convey unto **BENJAMIN J. NESS and HAILEY D. NESS, husband and wife,** their heirs and assigns, forever, that certain parcel of real estate located in Davidson County, State of Tennessee, within the corporate limits of the City of Cane Ridge, and being described as follows, to-wit:

BEING all of Lot No. Forty Nine (49) on the First Amendment Rivendell Woods, Phase I, Section I, according to plat and survey of record in Instrument Number 20070329-0037618, of the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for more complete details of location and description of said lot.

BEING a portion of the same property conveyed to Ole South Properties, Inc., a Tennessee Corporation, by deed from Rivendell, LLC, a Tennessee Limited Liability Company, dated February 19, 2008, appearing of record in Instrument Number 20080225-0018417 of the Register's Office of Davidson County, Tennessee.

THIS conveyance is made subject to Declaration of Covenants, Restrictions and Conditions of record in Instrument Number 20070607-0068416; By-Laws of record in Instrument Number 20070607-0068416, Easement to Metro of record in Instrument Number 20070522-0061016, and in Book 9487, page 908; Easement to Columbia Gulf of record in Book 4215, page 632; Storm Water Detention Agreement of record in Instrument Number 20031104-0161896; Ingress/Egress to Family Cemetery as set out of record in Instrument Number 20040702-0079201; One Hundred Fifty Foot (150') Tennessee Valley Authority Easement as set out of record in Instrument Number 20040702-0079201; and to any and all matters shown on said plat and survey of record in Instrument Number 20070329-0037618; all of said Register's Office.

This conveyance is subject to any and all existing easements and/or restrictions of record.

TO HAVE AND TO HOLD said real estate, together with all of the appurtenances, estate and title thereunto belonging unto the said **BENJAMIN J. NESS and HAILEY D. NESS, husband and wife,** their heirs and assigns, forever.

The undersigned covenants with the said Grantee that it is lawfully seized and possessed of said parcel of real estate, and that it has a good right to convey the same and that it is un-encumbered, except for the lien of the 2008 real property taxes which have been prorated between the parties and are assumed by the Grantee.

The undersigned further covenants and binds itself, its successors and assigns to forever warrant and defend the title to said real estate to the Grantee, his heirs and assigns, against the lawful claims of all persons, whomsoever.

This property is subject to and includes any and all lawful easements, setback lines, restrictions, etc. of record and applying to the within described property and to the zoning regulations of the appropriate governmental body.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 19th day of February, 2008.

OLE SOUTH PROPERTIES, INC.

BY: _____ VP

Roger Case, Vice President

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, the within named **Roger Case,** with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the **Vice President** of **OLE SOUTH PROPERTIES, INC., a Tennessee Corporation,** the bargainor, and that he as such **Vice President**, executed the foregoing instrument **(WARRANTY DEED)** for the purposes therein contained, by signing the name of the corporation by himself as its **Vice President**.

WITNESS MY HAND AND OFFICIAL SEAL in Cane Ridge, Tennessee, this the 19th day of February, 2008.

RHONDA D. DAVIS NOTARY PUBLIC My Comm Expires June 21, 2009 AT LARGE RUTHERFORD COUNTY, TN

_____
NOTARY PUBLIC
My Commission Expires: 6-21-09

AFFIDAVIT

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $154,220.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Dallie Allen
AFFIANT

SWORN to and subscribed before me,
this the 19th day of February, 2008.

Rhonda D Davis
NOTARY PUBLIC

My Commission Expires: 6-21-09

RHONDA D. DAVIS
NOTARY PUBLIC
My Comm Expires
June 21 2009
AT LARGE
RUTHERFORD COUNTY, TN