(1)

THIS INSTRUMENT PREPARED BY:

Barbara C. Raffaldini
Pachter Gregory & Finocchiaro
790 Estate Drive
Suite 150
Deerfield, IL 60015

Davidson County DEEDWARR
Recvd: 04/18/08 11:14 5 pgs
Fees:28.00 Taxes:2960.00
20080418-0039511

Address of New Owner and
Send Tax Bills To:

Barry Harrison
8226 Frontier LN
Brentwood, TN 37027

Map & Parcel No.: 156090A00700C0

SPECIAL 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 consideration, the receipt and sufficiency of which are hereby acknowledged, Kimco Barclay Harpeth, L.P., a Tennessee limited partnership (herein referred to as "Grantor") has this day bargained and sold and, by these presents, does hereby transfer and convey unto Barry Harrison (herein referred to as "Grantee"), its successors and assigns, forever, the following described tract or parcel of land located in Davidson County, Tennessee, to wit (the "Property"):

Land in Davidson County, being Outparcel 7 on the Plan of Harpeth Village P.U.D., as shown on the Plat of record at Instrument Number 20060505-0052434, in the Register's Office for Davidson County, Tennessee, to which plat reference is here made for a more complete legal description.

Being part of the same property conveyed to Kimco Barclay Harpeth, L.P., a Tennessee limited partnership, by quitclaim deed recorded in instrument No. 20060314-0029283, Register's Office of Davidson County, Tennessee.

This is unimproved property known as Outparcel 7, Old Harding Pike, Nashville, Tennessee 37221-4212.

TO HAVE AND TO HOLD said tract or parcel of land together with all the improvements thereon and the appurtenances thereunto belonging unto the said Grantee, its heirs and assigns, in fee simple, forever.

GRANTOR COVENANTS with the said Grantee that it is lawfully seized and possessed of the Property, that it has a good and lawful right to sell and convey the Property, and that the Property is free from any lien or encumbrance whatsoever, except for applicable zoning and building regulations, real estate taxes for 2008 and subsequent years and

those matters shown on Exhibit A attached hereto and made a part hereof (the "Permitted Exceptions").

GRANTOR FURTHER COVENANTS with the said Grantee and binds itself and its heirs/successors and assigns, to warrant and forever defend the title thereto of said Property (subject, however, to the Permitted Exceptions) to the said Grantee, its heirs and assigns, against the lawful claims and demands of all persons claiming by, through or under Grantor.

ALL warranties of Grantor herein contained are expressly limited to those persons or parties claiming by, through or under Grantor.

WITNESS this the 11 day of April, 2008.

GRANTOR:

KIMCO BARCLAY HARPETH, L.P., a Tennessee limited partnership

By: KD Harpeth 1356, Inc., a Tennessee corporation

By: Ruth Mitteldorf
Name: Ruth Mitteldorf
Its: Vice President

STATE OF NY)

COUNTY OF Nassau)

Personally appeared before me, [illegible] Jean Aiello Notary Public for the state and county aforesaid, Ruth Mitteldorf with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained, and who further acknowledged that she is the Vice President of KD Harpeth 1356, Inc., a Tennessee corporation, the general partner of KIMCO BARCLAY HARPETH, L.P., a Tennessee limited partnership, the grantor, and is authorized by the grantor to execute this Special Warranty Deed on behalf of the grantor.

WITNESS my hand and seal at office this 15 day of April, 2008.

Jean Aiello
NOTARY PUBLIC

JEAN AIELLO
Notary Public, State of New York
No. 5038376
Qualified in Nassau County
Commission Expires Jan. 23, 20 11

My Commission Expires:

Jan 23, 2011

STATE OF Tennessee)
COUNTY OF Williamson)

The actual consideration or value, whichever is greater, for this transfer is: $800,000.00.

AFFIANT

By: _____
Name: Barry Harrison
Its: _____

Subscribed and sworn to before me, this 17 day of April, 2008.

_____
NOTARY PUBLIC

My Commission Expires:

_____

A. SCOTT HUBBARD
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

MY COMMISSION EXPIRES:
March 14, 2009

EXHIBIT A

PERMITTED EXCEPTIONS

1. Subject to all matters shown on the plats of record in Instrument No. 20060505-0052434, No. 20051227-0153838, Register's Office of Davidson County, Tennessee.

2. Subject to Agreement for Dedication of Public Utilities and Abandonment of Existing Easement of record in Instrument No. 20000510-0047300, Register's Office of Davidson County, Tennessee.

3. Subject to Storm Water Detention Agreement of record in Instrument No. 20051219-01511714, Register's Office of Davidson County, Tennessee.

4. Stormwater Detention Agreement by and between The Barclay Group and the Metropolitan Government of Nashville and Davidson County, recorded as Instrument No. 20051219-0151714, said Register's Office.

5. Quitclaim Deeds to Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee for easements recorded in Book 4760, page 840, said Register's Office.

6. Agreement for Dedication of Easement for Sanitary Sewers to Harpeth Valley Utilities District of Davidson and Williamson Counties, Tennessee for easements recorded in Book 4760, page 842, said Register's Office.

7. Agreement for the Dedication of Easement for Water Line as of record in Book 8019, page 142, said Register's Office.

8. Subject to all matters as may be shown on an ALTA /ACSM survey of outparcel 7.

9. Declaration of Restrictions, Covenants and Conditions and Grant of Easements as of record in Instrument No. 20060823-0104009, said Register's Office (the "Declaration").

   Said Declaration being subject to First Amendment to Declaration of Restrictions, Covenants and Conditions and Grant of Easements (Harpeth Village, Davidson County, Tennessee) recorded as Instrument No. 20070827-0102786, said Register's Office.

10. Terms and provision of Memorandum of Lease dated November 21, 2005, by and between Barclay Harpeth Partners LLC, a Florida limited liability company as Landlord and Publix Tennessee, LLC, a Florida limited liability company as Tenant, recorded as Instrument No. 20051227-0153965, said Register's Office (the "Lease").

    Said Lease being subject to First Amendment to Memorandum of Lease dated August 20, 2007, by and between Kimco Barclay Harpeth, L.P., a Tennessee limited partnership (as successor-in-interest to Barclay Harpeth Partners, LLC, a

Florida limited liability company) as Landlord and Publix Tennessee, LLC, a Florida limited liability company as Tenant recorded as instrument No. 20070827-0102787, said Register's Office.