08-06-006

PREPARED BY (AND RETURN TO):


# *WILKINS & IVEY*

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Christy Wilkins Ivey

*Percy Wilkins, Jr. (of Counsel)*


W & I Ref: Title No: 49454

Dav. Co. File: Box 8

Davidson County DEEDWARR
Recvd: 06/30/08 08:31 3 pgs
Fees:18.00 Taxes:998.63
**20080630-0066807**

| **ADDRESS NEW OWNER:** | **RESPONSIBLE FOR TAX PAYMENT:** |
|---|---|
| Brian P. Smith<br>Andrea E. Greenway<br>4604 Nebraska Avenue<br>Nashville, Tennessee 37209 | Suntrust Mtg.<br>401 Commerce St. Ste 6100<br>Nashville, TN 37219 |

**TAX MAP-PARCEL NUMBERS:** 10304015600

## *WARRANTY DEED*

**FOR AND IN CONSIDERATION** of the sum of **$269,900.00,** cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Curtis McLellan and spouse, Elizabeth Ashley McLellan**, hereinafter called the **Grantor**, have bargained and sold, and by these presents do hereby transfer and convey unto **Brian P. Smith, an unmarried man and Andrea E. Greenway, an unmarried woman, as joint tenants with right of survivorship** hereinafter called the **Grantee**, Grantee's heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows:

**To Wit:**

LAND in Davidson County, Tennessee, being the westerly half of Lot No. 9 and the easterly half of Lot No. 10 of Block No. 11 on the map of part of Sylvan Park of record in Book 332, Page 104, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description thereof.

SAID westerly part of Lot No. 9 and easterly half of Lot No. 10 fronts together 50 feet on the northerly side of Nebraska Avenue, formerly 8th Avenue, and runs back between parallel lines 160 feet to an alley.

BEING the same property conveyed to Curtis McLellan and wife, Elizabeth Ashley McLellan by Warranty Deed from Jennifer L. Bibeau, unmarried dated April 28, 2006 and recorded on May 1, 2006 of record in Document No. 20060501-0050021 Register's Office for Davidson County, Tennessee. By Quitclaim Deed dated February 22, 2208 recorded on March 7, 2008 of record in Document No. 20080307-0023263 subject property was vested in Curtis McLellan and Elizabeth Ashley McLellan, husband and wife.

**Description Reference:** The description is the same as that used in the last deed prior to this transaction.

This conveyance is subject to: Taxes for 2008, and subsequent years; All matters shown on the Plan of record in Book 332 Page 104, said Register's Office.

This instrument is executed on behalf of Elizabeth Ashley McLellan by Curtis McLellan pursuant to a Power of Attorney executed by her on the 6th day of June, 2008 of record in Instrument No. _____ - 20080630-0066806 _____, Register's Office for Davidson County, Tennessee. The affidavit of said Attorney in Fact is attached as "Exhibit A" to this instrument and incorporated herein by reference

**This is improved property, known as: 4604 Nebraska Avenue, Nashville, Tennessee 37209.**

**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, Grantee's heirs or assigns, forever.

**GRANTOR COVENANTS** with the said Grantee that Grantor is lawfully seised and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out.

**GRANTOR FURTHER COVENANTS** and binds Grantor, Grantor's heirs and representatives, to warrant and forever defend the title to the said land to the said Grantee, Grantee's heirs and assigns, against the lawful claims of all persons whomsoever.

**WITNESS THE EXECUTION HEREOF** this 26th day of June, 2008.

Curtis McLellan

**Curtis McLellan**

Elizabeth Ashley McLellan
By: Curtis McLellan, Atty-in-Fact

**Elizabeth Ashley McLellan**
**By:Curtis McLellan, Atty-in-Fact**

**State of** TENNESSEE
**County of** DAVIDSON

On this 26th day of June, 2008, before me the undersigned authority, personally appeared **Curtis McLellan,** to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged the execution as a free act and deed.

CHRISTY W IVEY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: **My Commission Expires May 2, 2011**

Notary

**State of** TENNESSEE
**County of** DAVIDSON

**AFFIDAVIT**

The undersigned declares under oath that the actual consideration or value, whichever is greater, for this transfer is: $269,900.00.

Affiant

Sworn and subscribed before me this 26th day of June, 2008.

DEE FILES KENNEDY
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

Notary Public

My Commission Expires: 1/3/11

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.

**KRIS MORSS**

State of Tennessee) County of Davidson )

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

My Commission Expires: 01/3/11

Notary Public

DEE FILES KENNEDY
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

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, **Curtis McLellan** with whom I am personally acquainted (or whose identity was proved to me on the basis of satisfactory evidence), and who acknowledged the execution of the within instrument on behalf of **Elizabeth Ashley McLellan**, as Attorney-in-Fact, as the free act and deed of the said Principal.

Witness my hand and official seal at Nashville, Tennessee, this 26th day of June, 2008.

Notary Public

My Commission Expires:

CHRISTY W IVEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

My Commission Expires May 2, 2011

## EXHIBIT "A"

**To**

**Warranty Deed**

**FROM: Curtis McLellan and spouse, Elizabeth Ashley McLellan**

**TO: Brian P. Smith and Andrea E. Greenway**

State of Tennessee
County of Davidson

## AFFIDAVIT

The undersigned Affiant, being first duly sworn, deposes and says as follows:

1. That the document to which this affidavit is exhibited is executed by the undersigned as attorney-in-fact for the principal thereon shown.

2. That this execution is proper and within the scope of the power-of-attorney referenced in the instrument.

3. Pursuant to the provisions of *Tennessee Code Annotated,* Section 34-6-105(c), of the Uniform Durable Power of Attorney Act, the undersigned Affiant certifies that at the time of execution of said document the Affiant had no knowledge or notice of the termination of the power-of-attorney, either by revocation or by a principal's death, disability, or incapacity.

Further the Affiant Saith not.

**Curtis McLellan, Affiant**

Sworn to and subscribed before me this

26th day of June, 2008

Notary Public

My Commission Expires:

CHRISTY W IVEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

My Commission Expires May 2, 2011