PREPARED BY (AND RETURN TO):

WILKINS & IVEY

Attorneys at Law

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Davidson County DEEDWARR
Recvd: 07/23/08 09:05 3 pg
Fees:18.00 Taxes:880.60

20080723-0075294

Christy Wilkins Ivey

Percy Wilkins, Jr. (of Counsel)

W & I Ref: Title No: 49508

Dav. Co. File: Box 8

ADDRESS NEW OWNER:	**RESPONSIBLE FOR TAX PAYMENT:**
Richard M Best Emily A. Best 3104 Thistle Down Lane Antioch, Tennessee 37013	New Owner

TAX MAP-PARCEL NUMBERS: 173100A00300CO

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of **$238,000.00** , cash in hand paid by the hereinafter named Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **James M Counce, Jr., unmarried James M. Counce, III and spouse, Kimberly Counce**, hereinafter called the **Grantor**, has bargained and sold, and by these presents does hereby transfer and convey unto **Richard M Best and spouse, Emily A. Best** 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 Lot No. 3 on the Plano of Phase One, Barnes Bend Estates of record in Doc. No. 20050802-0090369, Register's Office for said County to which Plan reference is hereby made for a more complete description.

Being the same property conveyed to James M. Counce, Jr., and James M. Counce, III, and wife Kimberly Counce by warranty deed from The Jones Company of Tennessee, LLC, a Missouri limited liability company, dated June 29, 2007 and recorded on July 6, 2007 of record in Doc. No. 20070706-0080694, Register's Office for Davidson County, Tennessee.

Description Reference: Described according to (or by reference to) the recorded subdivision Plan.

This conveyance is subject to: Taxes for 2008, and subsequent years; The Plan, with Owner's Certificate, of record in Doc. No. 20050802-0090369 said Register's Office, which Plan shows a 20 foot minimum building setback line from Thistle Down Lane, and 3 foot easement for pedestrian access purposes along the front line(s) The Declaration of Covenants, Conditions and Restrictions of record in Doc. No. 20050524-0058309 said Register's Office, which sets forth assessments, liens and other matters, to which Declaration reference is hereby made for more particulars.

This instrument is executed on behalf of James M. Counce, Jr., by Kimberly Counce pursuant to a Power of Attorney executed by him on the 11 day of July, 2008, of record in Instrument No. 20080723-0075293 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: 3104 Thistle Down Lane, Antioch, Tennessee 37013

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 , **Kimberly Counce** 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 James M. Counce, Jr., as Attorney-in-Fact, as the free act and deed of the said Principal(s).

Witness my hand and official seal at Nashville, Tennessee, this 14th day of July, 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: James M Counce, Jr., unmarried James M. Counce, III and spouse, Kimberly Counce

TO: Richard M Best and spouse, Emily A. Best

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(s) 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.

Kimberly Counce, Affiant

Sworn to and subscribed before me this 14 day of July, 2008

Notary Public

My Commission Expires:_____ CHRISTY W IVEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires May 2, 2011

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 14th day of July, 2008 .

James M Counce Jr. by Kimberly Counce Atty-In-Fact

James M Counce, Jr. by Kimberly Counce, Atty-In-Fact

James M. Counce III

James M. Counce, III

Kimberly Counce

Kimberly Counce

State of TENNESSEE

County of DAVIDSON

On this 14th day of July, 2008, before me the undersigned authority, personally appeared Kimberly Counce, and James M. Counce, III, to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged the execution as a free act and deed.

My Commission Expires: CHRISTY W IVEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY **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: $238,000.00

Affiant

Sworn and subscribed before me this 15th day of July, 2008

Notary Public

My Commission Expires: 9/22/08

AMY LEATHERS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY