Davidson County DEEDQC
Recvd: 08/15/08 10:46 10 ps
Fees:52.00 Taxes:0.00
20080815-0084008

THIS INSTRUMENT PREPARED BY: **JACK W. ROBINSON, SR.** **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 for this transfer is $0.00.** **AFFIANT** **Subscribed and sworn to before me this 6th day of August, 2008.** **Notary Public** **My Commission Expires: 11/24/2009** **This transfer is exempt from real estate transfer tax pursuant to Tennessee Code Annotated Section 67-4-409(a)(3)(D).**

Address New Owner As Follows:	**Send Tax Bills To:**	**Map/Parcel Numbers:**
Cumberland Trust & Investment Company, LLC Trustee of Lisa T. Wheeler Non-Exempt Trust Suite 120, Woodmont Centre 104 Woodmont Boulevard Nashville, TN 37205	Same	11806009400 11806009500 13201003600

EXECUTRIX'S QUITCLAIM DEED

KNOW ALL PERSONS by these presents that **LISA T. WHEELER**, the duly-appointed Executrix of the **ESTATE OF M. CARL TALLEY,** deceased (the "Decedent"), who died on July

9, 2007, and whose estate is being duly administered in the Seventh Circuit Court of Davidson County, Tennessee (Probate Division), as Case No. 07P-1208, 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 of which is hereby acknowledged, and in connection with the distribution of the estate of the decedent pursuant to the decedent's last will and testament dated January 23, 2001, and Codicil No. 1 dated June 25, 2007, which were duly admitted to probate and are of record at the Probate Court Clerk's Office of Davidson County, Tennessee, hereby releases, remises and quitclaims unto **CUMBERLAND TRUST & INVESTMENT COMPANY, LLC, Trustee of the LISA T. WHEELER NON-EXEMPT TRUST U/W M. CARL TALLEY,** all of the right, title, and interest of the decedent and the decedent's estate in and to a certain improved tracts or parcels of land in Nashville, Davidson County, Tennessee, which is described in the Exhibit A attached hereto and incorporated herein by reference.

The Decedent was also known as Melvin Carl Talley and also as Carl Talley.

Said properties are quitclaimed subject to such limitations, restrictions and encumbrances as may affect the premises.

WITNESS my hand this 6th day of August, 2008.

Lisa T. Wheeler, Executrix,
Estate of M. Carl Talley

351409.1/2007888

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **LISA T. WHEELER,** Executrix, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 6th day of August, 2008.

Linda H. Roberson
Notary Public

LINDA H. ROBERTSON
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: 1/24/2009

351409.1/2007888

EXHIBIT A

TRACT I:

(Intentionally deleted)

TRACT II: **Meridian, C & T Investments/Gale Parcel #1 and vacant lots adjoining Meridian**

A 44.27 percent undivided interest in a tract of land lying in Metropolitan Nashville Davidson County, Tennessee, southwest of the intersection of Franklin Pike and Gale Lane and being more particularly described as follows:

Beginning on the northerly margin of new boulevard, where the southeasterly line of the right of way of the Tennessee Central Railroad crosses the same; thence with the southeasterly line of said right of way in a northeasterly direction 755 feet, more or less, to a point 30 feet measured at right angles from the westerly margin of the Franklin Pike, being the westerly line of the right of way of the Nashville and Franklin Interurban Railway; thence with the said right of way south 11° 26' east parallel with said Pike 485 feet, continuing with said right of way south 20° 38' west 130 feet to the northerly margin of said boulevard; thence with the northerly margin of said boulevard, south 84° west 458 feet, more or less, to the beginning, containing 3.36 acres.

This is improved property located at 2711 Franklin Pike, Nashville, Davidson County, Tennessee 37204.

INCLUDED IN TRACT II ABOVE, BUT EXPRESSLY EXCLUDED THEREFROM, IS THE FOLLOWING DESCRIBED PROPERTY:

Excluded Parcel A (C & T Investments/Gale Parcel #1):

Being a parcel of land lying in Davidson County, Tennessee, and being bounded on the east by Franklin Pike, on the south by Third National Bank, Trustee, on the west by Gale Lane and being more particularly described as follows:

Beginning at an iron pin at the intersection of the west right-of-way line of Franklin Pike and the east right-of-way line of Gale Lane; thence with the west right-of-way line of Gale Lane, South 14 degrees 47' 00" East, 330.20 feet to an iron pin corner common with Third National Bank, Trustee in the west right-of-way line of Franklin Pike; thence with Third National Bank, Trustee, South 73 degrees 36' 30" West, 205.03 feet to an iron pin; thence South 21 degrees 05' 34" West, 24.73 feet to an iron pin; thence South 78 degrees 16' 01" West, 89.25 feet to an iron pin corner common with Third National Bank, Trustee in the east right-of-way line of Gale Lane; thence with the east right-of-way line of Gale Lane, North 21 degrees 05' 34" East, 129.58 feet to an iron pin; thence on a curve to the right, the radius of which is 1298.57 feet, the central angle of which is 14 degrees 59' 23". the chord of which is North 28 degrees 35' 15" East, 338.76 feet, along the curve distance of 339.73 feet to the point of beginning, containing 55,975 square feet (1.285 acres, more or less) according to survey dated March 12, 1987, by Jerry Morrow, Registered Land Surveyor, Tennessee License No. 777.

Excluded Parcel A being the same property conveyed to C & T Investments/Gale Parcel #1 by deed from James W. Cates and M. Carl Talley of record in Book 7546, page 103, said Register's Office.

Excluded Parcel B:

Two tracts of land in Davidson County, Tennessee, being more particularly described as follows:

1. Beginning at a point in the westerly margin of 8th Avenue South (Franklin Pike) said point being in the southeasterly margin of the abandoned Tennessee Central Railroad Right of Way and at 128 feet south 14 degrees 47 minutes east of the southeast margin of Gale Lane; thence with the said margin of said Railroad Right of Way north 32 degrees 28 minutes east 9.5 feet with an offset in the westerly margin of said Franklin Pike; thence with said margin south 14 degrees 47 minutes east 227 feet; thence at right angles to the right (westerly) 7 feet; thence north 14 degrees 47 minutes west 220.5 feet to the point of beginning and containing 1566 square feet.

2. Beginning at a point in the westerly margin of 8th Avenue South (Franklin Pike) said point being 227 feet south 14 degrees 47 minutes east of the southeast margin of the abandoned Tennessee Central Right of Way; thence with the said margin of Franklin Pike south 14 degrees 47 minutes east 261 feet to the beginning of a curved line to the right; thence with said curved line southwardly 246.2 feet to E.N. Kennon's northeast corner; thence Kennon's north boundary line and the north boundary of property of Grace Presbyterian Church south 78 degrees 25 m minutes west 281 feet; thence north 27 degrees 20 minutes east 280.8 feet; thence north 75 degrees 06 minutes east 50 feet; thence north 17 degrees 28 minutes east 111.2 feet; thence north 14 degrees 47 minutes west 197.0 feet; thence at right angles to the right (eastwardly 7 feet) to the point of beginning and containing 1.118 acres.

Excluded Parcel B being the same property vested in the State of Tennessee by virtue of a Final Consent Judgment, a certified copy of£ which appears of record in Book 4609, page 799, said Register's Office.

The above property description is the same as that which appears in the previous deed.

Grantors also quitclaim any interest they may have in and to any closed or abandoned rights of way, streets, roads or alleys, and any strips gaps or gores between the tracts described above. Grantors specifically exclude from this conveyance and from any warranties contained herein any portion of the above described property contained within the bounds of any rights of way (including rights, if any, held by others in the right of way of Interurban Railroad which at one time ran along the west side of Franklin Pike) roads, streets or highways.

Being part of the same property conveyed to James W. Cates, Jr. and William D. Cates, as to a nine and one-half percent (9-1/2% undivided interest each by deeds from Third National Bank in Nashville as Trustee under the Will of James W. Cates, Sr., of record in Book 8840, page 148, and Book 8840, page 160, both in said Register's Office; and to Margaret Cates as to a twelve percent (12%) undivided interest by deed from Third National Bank in Nashville as Trustee under the Will of James W. Cates, Sr., of record in Book 8840, page 154, in said Register's Office.

M. Carl Talley having died and, by his last will and testament filed as aforesaid, the property was devised to the Grantee/Trustee herein. (The other 55.73 percent interest was devised to the Trustee of the Lisa T. Wheeler GST Exempt Trust U/W M. Carl Talley.)

Being part of the property conveyed to Richard T. Wilson, Trustee for R. M. Wilson, by deed from Florence N. Carson and husband, D. B. Carson, recorded in Book 805, page 520, in the Register's Office of Davidson County, Tennessee; said premises having then been devised to R. T. Wilson and Third National Bank in Nashville, as Trustees under the Will of R. Morris Wilson, by Will recorded in Will Book 55, page 118, in the Probate Court Clerk's Office of Davidson County, Tennessee, as construed by decrees recorded in Minute Book 144, page 142, Minute Book 145, page 403, Minute Book 169, page 141, and Minute Book 177, page 88, in the Office of the Clerk and Master's Office of said County, in the case of Third National Bank in Nashville, Executor, et cetera, vs. Elizabeth Wilson Cates Scribner, et al., Rule No. 53592. Under the terms of said Will, the Trust terminated at the death of Elizabeth Wilson Scribner, and title vested in Mary Elizabeth Talley (a 50% undivided interest), and James W. Cates, Sr. (a 50% undivided interest). Mary Elizabeth Cates Talley and James W. Cates, Sr. have since died. The Will of Mary Elizabeth Cates Talley filed with the Davidson County Probate Court Clerk's Office in Will Book 157, page 771, devised her 50% undivided interest in said property to Melvin Carl Talley. The Will of James W. Cates, Sr. filed with the Wilson County Probate Court Clerk's Office in Will Book UU, page 283, appoints Third National Bank in Nashville as Trustee under Revocable Trust Agreement dated October 8, 1986. Third National Bank in Nashville, Trustee, has conveyed its interest in the subject property to William D. Cates, as to a 9 ½% undivided interest, by deed recorded in Book 8840, page 148, Margaret Cates, as to a 12% undivided interest, by deed recorded in Book 8840, page 154, James W. Cates, Jr., as to a 9 1/2% interest, by deed recorded in Book 8840, page 160, and Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each, by deed recorded in Book 8546, page 274, all in said Register's Office. The interest of Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each, was further conveyed to M. Carl Talley by deed recorded in Book 8546, page 280, and the interest of William D. Cates, as to a 9 ½% undivided interest, Margaret Cates, as to a 12% undivided interest, and James W. Cates, Jr., as to a 9 ½% undivided interest, was further conveyed to M. Carl Talley, as to a 11/31 undivided interest, Lisa T. Wheeler, as to a 10/31 undivided interest and Lisa T. Wheeler, as Trustee of the Jesse L. Talley 2001 Trust, as to a 10/31 undivided interest, by deed recorded as Instrument No. 20020502-0054433, both in said Register's Office.

Also being part of the property conveyed to Third National Bank in Nashville, Trustee of the Wilson Estate, by deed from A. Baffle Rodes, Trustee of the Tennessee Central Railway Company, recorded in Book 4227, page 387, as corrected in Book 4487, page 340, in said Register's Office; and also being part of the property conveyed to James W. Cates, Sr. under the Will of R. Morris Wilson, recorded Will Book 55, page 118, in the Probate Court Clerk's Office of Davidson County, Tennessee, as construed by decrees recorded in Minute Book 144, page 142, Minute Book 145, page 403, Minute Book 169, page 141, and Minute Book 177, page 88, in the Office of the Clerk and Master's Office of said

County, in the case of Third National Bank in Nashville, Executor, et cetera, vs. Elizabeth Wilson Cates Scribner, et al., Rule No. 53592. Under the terms of said Will, the Trust terminated at the death of Elizabeth Wilson Scribner, and title vested in Mary Elizabeth Talley (a 50% undivided interest), and James W. Cates, Sr. (a 50% undivided interest). Mary Elizabeth Cates Talley and James W. Cates, Sr. have since died. The Will of Mary Elizabeth Cates Talley filed with the Davidson County Probate Court Clerk's Office in Will Book 157, page 771, devised her 50% undivided interest in said property to Melvin Carl Talley. The Will of James W. Cates, Sr. filed with the Wilson County Probate Court Clerk's Office in Will Book UU, page 283, appoints Third National Bank in Nashville as Trustee under Revocable Trust Agreement dated October 8, 1986. Third National Bank in Nashville, Trustee, has conveyed its interest in the subject property to William D. Cates, as to a 9 ½% undivided interest, by deed recorded in Book 8840, page 148. Margaret Cates, as to a 12% undivided interest, by deed recorded in Book 8840, page 154, James W. Cates, Jr., as to a 9 1/2% interest, by deed recorded in Book 8840, page 160, and Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each, by deed recorded in Book 8546, page 274, all in said Register's Office. The interest of Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each, was further conveyed to M. Carl Talley by deed recorded in Book 8546, page 280, and the interest of William D. Cates, as to a 9 ½% undivided interest, Margaret Cates, as to a 12% undivided interest and James W. Cates, Jr., as to a 9 ½% interest was further conveyed to M. Carl Talley, by deed recorded as Instrument No. 20020502-0054432, both in said Register's Office

Also being part of the property conveyed to Richard T. Wilson, Trustee for Robert Morris Wilson, by deed from J. Vaulx Cowan and wife, Marion T. Cowan, recorded in Book 913, page 75, in the Register's Office of Davidson County, Tennessee; and being part of the property conveyed to James W. Cates, Sr. under the Will of R. Morris Wilson, recorded Will Book 55, page 118, in the Probate Court Clerk's Office of Davidson County, Tennessee, as construed by decrees recorded in Minute Book 144, page 142, Minute Book 145, page 403, Minute Book 169, page 141, and Minute Book 177, page 88, in the Office of the Clerk and Master's Office of said County, in the case of Third National Bank in Nashville, Executor, et cetera, vs. Elizabeth Wilson Cates Scribner, et al., Rule No. 53592. Under the terms of said Will, the Trust terminated at the death of Elizabeth Wilson Scribner, and title vested in Mary Elizabeth Talley (a 50% undivided interest), and James W. Cates, Sr. (a 50% undivided interest). Mary Elizabeth Cates Talley and James W. Cates, Sr. have since died. The Will of Mary Elizabeth Cates Talley filed with the Davidson County Probate Court Clerk's Office in Will Book 157, page 771, devised her 50% undivided interest in said property to Melvin Carl Talley. The Will of James W. Cates, Sr. filed with the Wilson County Probate Court Clerk's Office in Will Book UU, page 283, appoints Third National Bank in Nashville as Trustee under Revocable Trust Agreement dated October 8, 1986. Third National Bank in Nashville, Trustee, has conveyed its interest in the subject property to William D. Cates, as to a 9 ½%

undivided interest, by deed recorded in Book 8840, page 148, Margaret Cates, as to a 12% undivided interest, by deed recorded in Book 8840, page 154, James W. Cates, Jr., as to a 9 1/2% interest, by deed recorded in Book 8840, page 160, and Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each, by deed recorded in Book 8546, page 274, all in said Register's Office. The interest of Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each, was further conveyed to M. Carl Talley by deed recorded in Book 8546, page 280, in said Registers' Office. The interest of Michael A. Cates and Christopher T. Cates, as to a 9 ½% interest each was further conveyed to M. Carl Talley, by deed recorded in Book 8546, page 280, and the interest of William D. Cates, as to a 9 ½% undivided interest, Margaret Cates, as to a 12% undivided interest and James W. Cates, Jr., as to a 9 ½% interest was further conveyed to M. Carl Talley, by deed recorded as Instrument No. 20020502-0054432, both in said Register's Office.

Said properties are quitclaimed subject to such limitations, restrictions and encumbrances as may affect the premises.

The descriptions are the same as contained in previous deeds of record.

Strip Center

This is improved property located at 2699 Franklin Pike, Nashville, Tennessee 37204.

An 7.5 percent undivided interest in land in the 17th District of Davidson County, Tennessee, located at the southwest quadrant of the intersection of Franklin Pike and Gale Lane; bordered on the north and west by Gale Lane and property conveyed to M. Carl Talley by Instrument No.20020502-0054432, on the east by Franklin Pike and on the south by property conveyed to M. Carl Talley, Lisa T. Wheeler and Lisa T. Wheeler, as Trustee, recorded at Instrument No. 20020502-0054433, Register's Office for Davidson County, Tennessee, described as follows:

Beginning at an iron pin at the intersection of the west right-of-way line of Franklin Pike and the east right-of-way line of Gale Lane; thence with the west right-of-way line of Gale Lane, South 14 deg. 47 min. 00 sec. East, 330.20 feet to an iron pin corner common with Third National Bank, Trustee in the west right-of-way line of Franklin Pike; thence with Third National Bank, Trustee, South 73 deg. 36 min. 30 sec. West, 205.03 feet to an iron pin; thence south 21 deg. 05 min. 34 sec. West 24.73 feet to an iron pin; thence South 78 deg. 16 min. 01 sec. West, 89.25 feet to an iron pin corner common with Third National Bank, Trustee, in the east right-of-way line of Gale Lane; thence with the east right-of-way line of Gale Lane, North 21 deg. 05 min. 34 sec. East, 129.58 feet to an iron pin; thence on a curve to the right, the radius of which is 1298.57 feet, the central angle of which is 14 deg. 59 min. 23 sec., the chord of which is North 28 deg. 35 min. 15 sec. East, 338.76 feet, along the curve distance of 339.73 feet to the point of beginning, containing 55,975 square feet (1.285 acres, more or less) according to survey dated March 12, 1987, by Jerry Morrow, Registered Land Surveyor, Tennessee License No. 777.

Being the same property conveyed to M. Carl Talley by deed from C & T Investments/Gale Parcel #1, of record as Instrument No. 20021018-0128357, Register's Office for Davidson County, Tennessee. M. Carl Talley having since died and, by his last will and testament, the property was devised to the Grantee/Trustee herein. (The other 92.5 percent of the aforesaid property has been conveyed to the Trustee of the Jesse L. Talley 2001 Trust.)

Residential Property

This is improved property known as 4020 Lealand Lane, Nashville, Tennessee 37204.

An undivided one-third interest in land in Davidson County, Tennessee, being Lot No. 187 on the Map of Rolling Meadows, as of record in Book 1424, pages 98 and 99, Register's Office for said county, as follows:

Said Lot No. 187 fronts 115 feet on the easterly side of Lealand Lane and runs back 299.8 feet on the northerly line and 302.1 feet on the southerly line, to a dead line in the rear on which it measures 115 feet.

Being the same property conveyed to Carl Talley and wife, Mary Elizabeth C. Talley, by warranty deed from Roy S. Nicks, Administrator of the Estate of Lowell Douglas Nicks, deceased, and W. H. Nicks, R. D. Nicks, W. E. Nicks, and Mrs. Hubert Wells, of record in Book 3808, page 896, said Register's Office. Mary Elizabeth C. Talley died in January, 1987; and Carl Talley having subsequently died and, by his last will and testament filed as aforesaid, the property was devised to the Grantee/Trustee herein. (Another one-third interest was devised to the Trustee of the Jesse L. Talley 2001 Trust, and the remaining one-third interest was devised to the Trustee of the Lisa T. Wheeler GST Exempt Trust U/W M. Carl Talley).

Other Possible Property

Any other real property in which the Decedent owned any interest located within 1,000 yards from any point on the boundary line of any of the above tracts so long as such has not been conveyed to Cumberland Trust & Investment Company, LLC in its capacity as Trustee.

The descriptions are the same as contained in previous deeds of record.