Davidson County DEEDWARR
Recvd: 09/19/08 14:29 5 pgs
Fees:28.00 Taxes:3145.00
20080919-0095944

NEW OWNER:
BGM Properties, LLC

1214 Brick Church Pike
Nashville, TN 37207

SEND TAX BILLS TO:
NEW OWNER

THIS INSTRUMENT PREPARED BY:

Rochelle, McCulloch & Aulds, P.L.L.C.
Attorneys at Law
109 Castle Heights Ave. North
Lebanon, TN 37087
FILENO: 08-0864

Map 106 **Group 03-0** **Parcel 032.00**

D E E D

FOR AND IN CONSIDERATION of the sum of EIGHT HUNDRED FIFTY THOUSAND and NO/100 DOLLARS ($850,000.00) cash in hand paid, the receipt of which is hereby acknowledged, **WARREN COUNTY FREIGHT LINE, INC., as to a 69.17420% undivided interest; WINSTON D. SMITH, as to a 13.70730% undivided interest; KAYE SMITH CLEMENT, as to a 6.85695% undivided interest; and ELAINE SIMMONS PALMER, as to a 6.85695% undivided interest** ("Grantors") have this day bargained and sold and by these presents do hereby transfer and convey unto **BGM PROPERTIES, LLC**, a Tennessee limited liability company ("Grantee"), its successors and assigns, forever, the following tract or parcel of land, situated and lying in the Third Civil District of **Davidson** County, Tennessee, bound and described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

Being the same property conveyed to Grantors by deed from Bernard K. Smith and wife Debra Smith, et al., of record in Record Book 7485, page 307; Record Book 7485, page 311; Record Book 7485, page 313; Record Book 7485, page 316; Record Book 7485, page 320; Record Book 7485, page 322; and Instrument No. * , Register's Office for Davidson County, Tennessee. Further reference is made to deeds of record at Record Book 5122, page 932, and Record Book 5666, page 870, in said county.

*20080919-0095943

SUE E. SMITH is deceased. KAY SMITH CLEMENT and ELAINE SIMMONS PALMER are the sole heirs at law of the said SUE E. SMITH.

This description is the same as in the prior deeds.

This is not the principal residence of the Grantor.

THIS IS IMPROVED PROPERTY known as 1441 Elm Hill Pike, Nashville, TN 37207.

TO HAVE AND TO HOLD said property, together with any and all appurtenances and improvements thereunto, belonging to the said Grantee, their heirs and assigns, in fee simple, forever.

GRANTOR covenants with said Grantee that Grantor is lawfully seized and possessed of said property; that Grantor has a good and lawful right to make this conveyance; that the same is free, clear and unencumbered, except as noted herein; and Grantor will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THIS CONVEYANCE is made subject to all visible easements, rights-of-way and matters shown on the plat of record at Minute Book No. 1, Pages 190 and 191, Circuit Court of Nashville, Tennessee, and any and all restrictions, existing roadways, easements and rights-of-way of record.

POSSESSION shall be given date of deed.

PROPERTY TAXES for the current year shall be prorated as of date of deed.

WITNESS OUR SIGNATURES hereto this 17th day of September, 2008.

WARREN COUNTY FREIGHT LINE, INC.

Q. M. Womack

O. M. WOMACK, President

Winston D. Smith

WINSTON D. SMITH

Kaye Smith Clement

KAYE SMITH CLEMENT

Elaine Simmons Palmer

ELAINE SIMMONS PALMER

STATE OF TENNESSEE

COUNTY OF WILSON

Personally appeared before me, the undersigned authority, a notary public in and for the state and county aforesaid, **W.D. WOMACK**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who acknowledged that he is **President** of **WARREN COUNTY FREIGHT LINE, INC.**, the within-named bargainor, and as such authorized officer, being given the authority to so do, executed the within instrument on behalf of the corporation by signing its name as such authorized officer.

WITNESS my hand and official seal at office, this 12th day of September, 2008.

NOTARY PUBLIC

My commission expires: 10/16/11

STATE OF TENNESSEE

COUNTY OF WILSON

Personally appeared before me, the undersigned, a notary public in and for the state and county aforesaid, **WINSTON D. SMITH**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 17th day of September, 2008.

NOTARY PUBLIC

My commission expires: 10/16/11

STATE OF TENNESSEE

COUNTY OF WILSON

Personally appeared before me, the undersigned, a notary public in and for the state and county aforesaid, **KAYE SMITH CLEMENT**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 17th day of September, 2008.

NOTARY PUBLIC

My commission expires: April 4, 2011

STATE OF TENNESSEE

COUNTY OF WILSON

Personally appeared before me, the undersigned, a notary public in and for the state and county aforesaid, **ELAINE SIMMONS PALMER**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 15th day of September, 2008.

Patricia A. Lyon
NOTARY PUBLIC

My commission expires: 7/20/2010

PATRICIA A. LYON NOTARY PUBLIC AT LARGE ANDERSON COUNTY

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The actual consideration or value, whichever is ~~greater~~, for this transfer is $ 850,000.00

Elaine Palmer
AFFIANT

Sworn to and subscribed to before me this the 17th day of September, 2008.

GREGORY S. GUL NOTARY PUBLIC STATE OF TENNESSEE COUNTY OF WILSON

NOTARY PUBLIC

My commission expires: 10/16/11

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT A

Land in the 3rd Civil District of Davidson County, Tennessee, being part of Lot No. 6 on the Plan of Edward Trabue property, as of recorded in Minute Book "1", pages 190 and 191, United States Circuit Court, described acceding to a survey made by Erle Drake, Surveyor, April 20, 1945, as follows:

Beginning on the southerly margin of Elm Hill or Stones River Pike, at the northwest corner of Lot No. 6 being the northeast corner of said Lot No. 5 on said plan; thence with the southerly margin of said Pike eastwardly 72.61 feet to an iron pin; thence South 20 degrees 30 minutes West 300 feet to an iron pin; thence South 87 degrees 56 minutes West 74.98 feet to an iron pin; thence North 20 degrees 55 minutes East 300.92 feet to the point of beginning.

TRACT B

Lying and being in the Third Civil District of Davidson Count, Tennessee, being part of Lots No. 5 and 11 on the Plat of Ed Trabue's land, as of record in Minute Book No. 1, Pages 190 and 191, Circuit Court at Nashville, Tennessee, described according to a survey made by Donald R. Carver, dated June 29, 1970, as follows:

Beginning on the Southerly margin of Elm Hill Pike at the northwest corner of the property conveyed to Frank G. Porter, et al, of record in Book 4355, Page 44, said Register's Office; thence South 18° 41' West 818.57 feet to an iron pin; thence North 63° 16' West 262.70 feet to an iron pin; thence North 6° 51' East 190.60 feet; thence North 18° 41' East 500 feet to the southerly margin of Elm Hill Pike; thence with the same North 88° 44' 14" East 331.67 feet to the beginning, containing 5.00 acres, more or less.