NAME AND ADDRESS OF NEW OWNER:
Berkley Hall, LLC
1528 Gordon Petty Drive
Brentwood, Tennessee 37027

SEND TAX NOTICES TO:
Owner

THIS INSTRUMENT PREPARED BY:
White & Polk, P.C.
Attorneys at Law
107 West College Street
Murfreesboro, Tennessee 37130

Map/Parcel 14900022800

Davidson County DEEDTRS
Recvd: 11/03/08 11:33 3 pgs
Fees:18.00 Taxes:2291.90
20081103-0109170

TRUSTEE'S DEED

WHEREAS, default having been made in the payment of the indebtedness described in and secured by that certain Deed of Trust executed by B D H LLC to R. Dale Floyd, Trustee, recorded at Instrument No. 20050415-0042275, in the Register's Office of Davidson County, Tennessee payable to Cavalry Banking embracing real estate hereinafter described; and Pinnacle National Bank (formerly Cavalry Banking), the holder of said indebtedness having declared the entire unpaid balance immediately due and payable and the same having not been paid; and

WHEREAS, the undersigned being directed so to do by the holder of said debt, advertised said property for sale for a period of twenty one (21) days by publication duly and regularly made in a newspaper in Nashville, Davidson, Tennessee, and proceeded at the time and place and upon the terms setforth in said advertisement, that is on September 29, 2008 at 1:30 P.M. outside the door of the Davidson County Register of Deeds which is inside the Gaylord Entertainment Center at 501 Broadway, Suite 501, Nashville, Tennessee, to announce the sale was adjourned to October 3, 2008, at the same time and place setforth in said advertisement; and

WHEREAS, the undersigned being directed so to do by the holder of said debt on October 3, 2008 at 1:30 P.M. outside the door of the Davidson County Register of Deeds which is inside the Gaylord Entertainment Center at 501 Broadway, Suite 501, Nashville, Tennessee, to announce the sale was adjourned to October 10, 2008, at the same time and place setforth in said advertisement; and

WHEREAS, the undersigned being directed so to do by the holder of said debt on October 10, 2008 at 1:30 P.M. outside the door of the Davidson County Register of Deeds which is inside the Gaylord Entertainment Center at 501 Broadway, Suite 501, Nashville, Tennessee, to announce the sale was adjourned to October 22, 2008, at the same time and place setforth in said advertisement; and

WHEREAS, the undersigned being directed so to do by the holder of said debt on October 22, 2008 at 1:30 P.M. outside the door of the Davidson County Register of Deeds which is inside the Gaylord Entertainment Center at 501 Broadway, Suite 501, Nashville, Tennessee, to announce

the sale was adjourned to October 29, 2008, at the same time and place setforth in said advertisement; and

WHEREAS, on October 29, 2008, at 1:30 P.M. outside the door of the Davidson County Register of Deeds which is inside the Gaylord Entertainment Center at 501 Broadway, Suite 501, Nashville, Tennessee, the undersigned being directed so to do by the holder of said debt offered the hereinafter described property for sale to the highest and best bidder for cash, and free from all homestead exemption and equitable and statutory redemption whereupon **Berkley Hall, LLC**, a Tennessee Limited Liability Company, became the highest, best and last bidder thereon at the bid and sum of Six Hundred Nineteen Thousand Four Hundred Thirty One and 11/100 Dollars ($619,431.11) and thereupon was declared to be the purchaser of said property at said amount.

NOW, THEREFORE, in consideration of the premises and the sum of Six Hundred Nineteen Thousand Four Hundred Thirty One and 11/100 Dollars ($619,431.11), cash in hand paid which was applied on said debt and the expenses of said sale, the undersigned, **R. Dale Floyd, Trustee**, has bargained and sold and does hereby transfer and convey to **Berkley Hall, LLC**, a Tennessee Limited Liability Company, its successors and assigns forever, that certain parcel of real estate situated in Davidson County, Tennessee, to-wit:

> Beginning at an iron rod situated in the NE corner of the plat of Berkley Hall Phase Five, Section One of Hickory Highlands P.D.D. of record in Instrument No. 20050125-0008851; R.O.D.C., TN; Thence, N 84°06'30" W, a distance of 114.32 feet to an iron rod; thence, along a curve to the right, having a central angle of 01°10'25", a radius of 630.00 feet, a tangent of 6.45 feet, a length of 12.90 feet, and having a chord which bears S 06°28'42" W, a distance of 12.90 feet to an iron rod; thence, N 83°02'16" W, a distance of 180.29 feet to an iron rod; thence, N 04°04'08" E, a distance of 52. 56 feet to an iron rod; thence, N 03°15'02" W, a distance of 57.45 feet to an iron rod; thence, N 10°34'11" W, a distance of 57.45 feet to an iron rod; thence, N 19°13'51" W, a distance of 78.46 feet to an iron rod; thence, N 29°22'12" W, a distance of 80.60 feet to an iron rod; thence, N 38°59'55" W, a distance of 70.47 feet to an iron rod; thence, N 47°38'18" W, a distance of 66.29 feet to an iron rod; thence, N 50°48'54" W, a distance of 243.10 feet to an iron rod; thence N, 00°24'34" W, a distance of 593.48 feet to an iron rod; thence, S 70°40'41" E, a distance of 632.35 feet to an iron rod; thence, S 00°52'53" W, a distance of 839.40 feet to an iron rod; thence S, 00°04'31" E, a distance of 71.42 feet to an iron rod; thence, S 00°06'35" E, a distance of 128.15 feet to the point of beginning and containing 11.146 acres of land, more or less.
>
> INCLUDED in the above description but EXCLUDED from this Notice are Lot Nos. 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 53, 54, 55, 56, 57, 58, 59, 60, 61 & 62A, on the Plan of Phase Two Berkley Hall, Phase Five, Section One of Hickory Highlands, P.U.D.
>
> Being the same property conveyed to B D H LLC by deed appearing of record at Instrument No. 20050302-0022879, of the Register's Office of Davidson County, Tennessee.
>
> This conveyance is subject to all restrictions, conditions, reservations and covenants of record; to the minimum building setback lines, public utility and

drainage easements, plat notes and all other matters shown on the aforesaid subdivision plat; and to the zoning regulations of the appropriate governmental body.

TO HAVE AND TO HOLD said real estate together with all of the appurtenances, estate and title thereunto belonging unto the said grantee, its successors and assigns, forever, together with the benefit of all of the covenants and warranties as contained in the aforesaid Deed of Trust; but the undersigned conveys as Trustee only and is not bound personally upon any of the covenants or warranties.

Said sale was made for the purpose of satisfying said indebtedness, and was subject to any and all unpaid taxes.

IN WITNESS, WHEREOF, this instrument is executed this the 29th day of October, 2008.

R. Dale Floyd, Trustee

STATE OF TENNESSEE)
ss.
COUNTY OF RUTHERFORD)

On this the 29th day of October, 2008, before me personally appeared R. Dale Floyd, Trustee, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

29th WITNESS MY HAND and official seal at office in Murfreesboro, Tennessee, on the day of October, 2008.

Notary Public

GEORGE H. WHITE STATE OF TENNESSEE NOTARY PUBLIC RUTHERFORD COUNTY

My commission expires: 1/19/10

AFFIDAVIT

I hereby swear or affirm that the actual consideration for this transfer, or the value of the property transferred, whichever is greater, is **$619,431.11**, which amount is equal to or greater then the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Sworn to and subscribed before me on this 29th day of October, 2008.

Notary Public

GEORGE H. WHITE STATE OF TENNESSEE NOTARY PUBLIC RUTHERFORD COUNTY

My commission expires: 1/19/10