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Davidson County DEEDWARR
Recvd: 02/25/09 15:08 10 pg
Fees:53.00 Taxes:4440.00

20090225-0016737

THIS INSTRUMENT PREPARED BY: **George V. Crawford, Jr.** **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 or value, whichever is greater, for this transfer is $1,200,000.00. **Affiant** Subscribed and sworn to before me, this 24 day of February, 2009. Notary Public My Commission Expires:

GEORGE V. CRAWFORD, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires MAY 2, 2011

Address New Owner As Follows: Joseph D. Wheliss and wife, Shelby Wheliss 3604 Sycamore Lane Nashville, TN 37215	Send Tax Bills To: SAME	Map-Parcel Number: 117-09-0-119.00

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars ($10.00), cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged:

ANN MCCLELLAN MASHBURN, TRUSTEE OF THE ANN MCCLELLAN MASHBURN GST-EXEMPT TRUST, as to a 24% undivided interest, with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party; **ROBERT TRIGG MCCLELLAN, TRUSTEE OF THE ROBERT TRIGG MCCLELLAN GST-EXEMPT TRUST, as to a 24% undivided interest,** with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party; **DAVID GRAY MCCLELLAN, TRUSTEE OF THE DAVID GRAY MCCLELLAN GST-EXEMPT TRUST, as to a 24% undivided interest,** with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party; **AND JOHN WESLEY MCCLELLAN, TRUSTEE OF THE JOHN WESLEY MCCLELLAN GST-EXEMPT TRUST, as to a 24% undivided interest,** with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party;

ANN MCCLELLAN MASHBURN, TRUSTEE OF THE ANN MCCLELLAN MASHBURN 2002 FAMILY IRREVOCABLE TRUST, as to a 1% undivided interest, with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party; **ROBERT TRIGG MCCLELLAN, TRUSTEE OF THE ROBERT TRIGG MCCLELLAN 2002 FAMILY IRREVOCABLE TRUST, as to a 1% undivided interest,** with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party; **DAVID GRAY MCCLELLAN, TRUSTEE OF THE DAVID GRAY MCCLELLAN 2002 FAMILY IRREVOCABLE TRUST, as to a 1% undivided interest,** with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party; **and JOHN WESLEY MCCLELLAN, TRUSTEE OF THE JOHN WESLEY**

MCCLELLAN 2002 FAMILY IRREVOCABLE TRUST, as to a 1% undivided interest, with full right and power to convey, sell, mortgage, lease or otherwise encumber without the joinder or consent of any beneficiary, or other party, hereinafter called the Grantors, have bargained and sold, and by these presents do transfer and convey unto **JOSEPH D. WHELISS AND WIFE, SHELBY B. WHELISS**, hereinafter called the Grantees, their heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows:

Parcel 1:

Land in Davidson County, Tennessee, being Lot No. 5, Section 2, Blackberry Hollow, as shown on Plat recorded in Book 5200, page 157, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to Sally F. McClellan by deed from Dwight Wagner and wife, Jill Wagner, recorded on April 29, 1980, of record in Book 5596, page 200, Register's Office for Davidson County, Tennessee. The said Sally F. McClellan having quitclaimed to Sally F. McClellan and husband, Robert E. McClellan by Quitclaim Deed recorded April 21, 1982, of record in Book 5875, page 495, in said Register's Office. The said Sally F. McClellan and husband Robert E. McClellan further quitclaimed the property to Sally F. McClellan by Quitclaim Deed recorded February 4, 1985, of record in Book 6486, page 364, in said Register's Office. By quitclaim deed dated December 12, 2007, of record at Instrument No. 20071226-0146806, said Register's Office, Sally F. McClellan conveyed subject property to Ann McClellan Mashburn, Trustee of the Ann McClellan Mashburn 2002 Family Irrevocable Trust, as to a 1% undivided interest; Robert Trigg McClellan, Trustee of the Robert Trigg McClellan 2002 Family Irrevocable Trust, as to a 1% undivided interest; David Gray McClellan, Trustee of the David Gray McClellan 2002 Family Irrevocable Trust, as to a 1% undivided interest; and John Wesley McClellan, Trustee of the John Wesley McClellan 2002 Family Irrevocable Trust, as to a 1% undivided interest. The said Sally F. McClellan having since died and her by her will at Docket #08P574 Probate Court Clerk's Office for Davidson County, Tennessee appointed David Gray McClellan and John Wesley McClellan Executors of her estate. By Executor's Quitclaim deed of record at Instrument No. 20090203-0009088, subject property was conveyed to Robert Trigg McClellan, David Gray McClellan, John Wesley McClellan and Ann McClellan Mashburn, as Successor Co-Trustees of the Sarah F. McClellan Revocable Trust. By Trustee's Quitclaim Deed of record at Instrument No. 20090204-0009506, subject property was conveyed to Ann McClellan Mashburn, Trustee of the Ann McClellan Mashburn GST-Exempt Trust, as to a 24% undivided interest, Robert Trigg McClellan, Trustee of the Robert Trigg McClellan GST-Exempt Trust, as to a 24% undivided interest, David Gray McClellan, Trustee of the David Gray McClellan GST-Exempt Trust, as to a 24% undivided interest and John Wesley McClellan, Trustee of the John Wesley McClellan GST-Exempt Trust, as to a 24% undivided interest.

Parcel 2:

Land in Davidson County, Tennessee, described as follows: Being Lot No. 7, Section 2, Blackberry Hollow as shown on plat recorded in Book 5200, page 157, Register's Office, Davidson County, Tennessee, being bounded on the south by Valley Brook Place, on the west by Sycamore Lane, on the north by Lot No. 5, on the east by Lot No. 6 and being more particularly described as follows:

Beginning at a point in the north right-of-way of Valley Brook Place, said point being a corner common with Lot No. 6 and being the southeast corner of the lot herein described, thence with the north right-of-way of Valley Brook Place north 83 degrees 51 minutes 46.4 seconds west 105.3 feet to a concrete marker, thence on a curve to right 39.2 feet (radius 25.00 feet, tangent 25.00 feet) to a concrete marker in the east right-of-way of Sycamore Lane thence with Sycamore Lane north 06 degrees 08 minutes 13.6 seconds east 71.10 feet to a concrete marker, thence on a curve to the right 21.03 feet (radius 25.00 feet, tangent 11.18 feet), to a concrete marker, thence on a curve to the left (cul-de-sac) 49.42 feet (radius 50.00 feet) to a corner common with Lot No. 5, thence with Lot Not 5 north 87 degrees 41 minutes 53.8 seconds east 106.73 feet to a corner common with Lot No. 6, south 06 degrees 08 minutes 13.6 seconds west 175.00 feet to the point of beginning containing 0.469 acres.

Being the same property conveyed to Sally F. McClellan by deed from Gilbert Naylor Smith, recorded on September 17, 1980, of record in Book 5652, page 387, Register's Office for Davidson County, Tennessee. The said Sally F. McClellan having quitclaimed to Sally F. McClellan and husband, Robert E. McClellan by Quitclaim Deed recorded April 21, 1982, of record in Book 5875, page 495, in said Register's Office. The said Sally F. McClellan and husband Robert E. McClellan further quitclaimed the said property to Sally F. McClellan by Quitclaim Deed recorded February 4, 1985, of record in Book 6486, page 364, in said Register's Office. By quitclaim deed dated December 12, 2007, of record at Instrument No. 20071226-0146806, said Register's Office, Sally F. McClellan conveyed subject property to Ann McClellan Mashburn, Trustee of the Ann McClellan Mashburn 2002 Family Irrevocable Trust, as to a 1% undivided interest; Robert Trigg McClellan, Trustee of the Robert Trigg McClellan 2002 Family Irrevocable Trust, as to a 1% undivided interest; David Gray McClellan, Trustee of the David Gray McClellan 2002 Family Irrevocable Trust, as to a 1% undivided interest; and John Wesley McClellan, Trustee of the John Wesley McClellan 2002 Family Irrevocable Trust, as to a 1% undivided interest. The said Sally F. McClellan having since died and her by her will at Docket #08P574 Probate Court Clerk's Office for Davidson County, Tennessee appointed David Gray McClellan and John Wesley McClellan Executors of her estate. By Executor's Quitclaim deed of record at Instrument No. 20090203-0009088, subject property was conveyed to Robert Trigg McClellan, David Gray McClellan, John Wesley McClellan and Ann McClellan Mashburn, as Successor Co-Trustees of the Sarah F. McClellan Revocable Trust. By Trustee's Quitclaim Deed of record at Instrument No. 20090204-0009506, subject property was conveyed to Ann McClellan Mashburn, Trustee of the Ann McClellan Mashburn GST-Exempt Trust, as to a 24% undivided interest, Robert Trigg McClellan, Trustee of the Robert Trigg McClellan GST-Exempt Trust, as to a 24% undivided interest, David Gray McClellan, Trustee of the David Gray McClellan GST-Exempt Trust, as to a 24% undivided interest and John Wesley McClellan, Trustee of the John Wesley McClellan GST-Exempt Trust, as to a 24% undivided interest.

TOGETHER WITH Grant of Easement for Driveway Access of record at Instrument No. 20090130-0008182, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to:

1. 2009 taxes, which have been prorated and assumed by Grantees. By acceptance of delivery of this instrument, Grantees assume and agree to pay such taxes as and when such become payable and to indemnify and hold harmless Grantors from liability and loss therefrom.

2. All matters as shown on the Plan of record in Book 5200, page 157, Register's Office for Davidson County, Tennessee.

3. Declaration of Covenants, Conditions and Restrictions for Blackberry Hollow, Section II, including, but not limited to, easements, assessments, special assessments, charges and liens, contained in an instrument of record in Book 5441, page 160, Register's Office for said County.

4. Easement of record in Book 9439, page 79, Register's Office for Davidson County, Tennessee, and of record at Instrument No. 20090130-0008181, said Register's Office.

5. Easement contained in instrument of record as Instrument No. 20071226-0146806, Register's Office for Davidson County, Tennessee.

6. Easement contained in instrument of record in Book 6486, page 362, Register's Office for Davidson County, Tennessee.

7. Easement of record in Book 5601, page 155, Register's Office for Davidson County, Tennessee.

8. Easement of record in Book 5440, page 917, Register's Office for Davidson County, Tennessee.

9. Agreement for Dedication of Easement of record in Book 4178, page 88, Register's Office for Davidson County, Tennessee.

10. Easement of record in Book 3368, page 486, Register's Office for Davidson County, Tennessee.

11. Grant of Easement for Driveway Access of record at Instrument No. 20090130-0008182, Register's Office for Davidson County, Tennessee.

A new legal description was not prepared for this transaction. The legal description is the same as the previous instrument of record.

This is improved property known as 3604 Sycamore Lane, Nashville, TN 37215.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantees, their heirs and assigns, forever; and we covenant with the said Grantees that we are lawfully seized and possessed of said land in fee simple,

have a good right to convey it, and the same is unencumbered, unless otherwise herein set out; and further covenant and bind ourselves, our heirs and assigns, to warrant and forever defend the title to the said land to the said Grantees, their heirs and assigns, against the lawful claims of all person whomsoever.

WITNESS my hand this 24th day of February, 2009.

Ann McClellan Mashburn Trustee

Ann McClellan Mashburn, Trustee of the
Ann McClellan Mashburn GST-Exempt Trust

Robert Trigg McClellan, Trustee of the
Robert Trigg McClellan, GST-Exempt Trust

David Gray McClellan, Trustee of the
David Gray McClellan GST-Exempt Trust

McClellan Trustee

John Wesley McClellan, Trustee of the
John Wesley McClellan GST-Exempt Trust

Ann McClellan Mashburn Trustee

Ann McClellan Mashburn, Trustee of the
Ann McClellan Mashburn 2002 Family
Irrevocable Trust

Robert Trigg McClellan, Trustee of the
Robert Trigg McClellan 2002 Family
Irrevocable Trust

David Gray McClellan, Trustee of the
David Gray McClellan 2002 Family
Irrevocable Trust

McClellan Trustee

John Wesley McClellan, Trustee of the
John Wesley McClellan 2002 Family
Irrevocable Trust

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **ANN MCCLELLAN MASHBURN, TRUSTEE OF THE ANN MCCLELLAN MASHBURN GST-EXEMPT TRUST**, the within named bargainor, 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 24th day of February, 2009.

Notary Public

My Commission Expires: _____

GEORGE V. CRAWFORD, JR.
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires MAY 2, 2011

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **ROBERT TRIGG MCCLELLAN, TRUSTEE OF THE ROBERT TRIGG MCCLELLAN, GST-EXEMPT TRUST**, the within named bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 20 day of February, 2009.

Linda Brake
Notary Public

My Commission Expires: 5/8/2012

LINDA BRAKE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **DAVID GRAY MCCLELLAN, TRUSTEE OF THE DAVID GRAY MCCLELLAN GST-EXEMPT TRUST**, the within named bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 23 day of February, 2009.

Linda Brake
Notary Public

My Commission Expires: 5/8/2012

LINDA BRAKE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **JOHN WESLEY MCCLELLAN, TRUSTEE OF THE JOHN WESLEY MCCLELLAN GST-EXEMPT TRUST**, the within named bargainor, 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 24th day of February, 2009.

Notary Public

My Commission Expires:

GEORGE V. CRAWFORD, JR.
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires MAY 2, 2011

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **ANN MCCLELLAN MASHBURN, TRUSTEE OF THE ANN MCCLELLAN MASHBURN 2002 FAMILY IRREVOCABLE TRUST,** the within named bargainor, 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 24th day of February, 2009.

Notary Public

My Commission Expires: _____

GEORGE V. CRAWFORD, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires MAY 2, 2011

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **ROBERT TRIGG MCCLELLAN, TRUSTEE OF THE ROBERT TRIGG MCCLELLAN FAMILY IRREVOCABLE TRUST,** the within named bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 20 day of February, 2009.

Linda Brake
Notary Public

My Commission Expires: 5/8/2012

LINDA BRAKE STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **DAVID GRAY MCCLELLAN, TRUSTEE OF THE DAVID GRAY MCCLELLAN 2002 FAMILY IRREVOCABLE TRUST,** the within named bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 23 day of February, 2009.

Linda Barker
Notary Public

My Commission Expires: 5/8/2012

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **JOHN WESLEY MCCLELLAN, TRUSTEE OF THE JOHN WESLEY MCCLELLAN 2002 FAMILY IRREVOCABLE TRUST,** the within named bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 24th day of February, 2009.

Notary Public

5-2-11
My Commission Expires: _____

My Commission Expires 5/2/2011