(1)

Bk136

THIS INSTRUMENT PREPARED BY:
Douglas A. Brace, Reg. #3485
ORTALE, KELLEY, HERBERT & CRAWFORD
200 Fourth Avenue North, Third Floor
P.O. Box 198985
Nashville, TN 37219-8985
(615) 256-9999

STATE OF TENNESSEE]
COUNTY OF WILLIAMSON]

The actual consideration or value, whichever is greater, for this transfer is $2,365,000.00.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE17th DAY OF SEPTEMBER, 2009.

Notary Public

My commission expires:

NOTARY PUBLIC
Douglas A. Brace
My Commission Expires
May 6, 2013
STATE OF TENNESSEE

Name and Address of New Owner:

Tenn. Contractors, Inc.
321 Billingsly Court, Suite 3
Franklin, TN 37067

BILL GARRETT, Davidson County
Trans:T20090063713 DEEDWARR
Recvd: 09/17/09 13:53 7 pgs
Fees:38.00 Taxes:8750.50
20090917-0086947

Send Tax Bills To:

NEW OWNER

Street Address of Subject Property:	**Map and Parcel:**
2000 Towering Oaks Drive (Lot 1)	109-4-A-001 CO
2004 Towering Oaks Drive (Lot 2)	109-4-A-002 CO
2100 Chance Court (Lot 3)	109-4-A-003 CO
2104 Chance Court (Lot 4)	109-4-A-004 CO
2108 Chance Court (Lot 5)	109-4-A-005 CO
2105 Chance Court (Lot 6)	109-4-A-006 CO
2101 Chance Court (Lot 7)	109-4-A-007 CO
2797 Jenoaks Pass (Lot 8)	109-4-A-008 CO
2793 Jenoaks Pass (Lot 9)	109-4-A-009 CO

Street Address of Subject Property:	**Map and Parcel:**
2789 Jenoaks Pass (Lot 10)	109-4-A-010 CO
2785 Jenoaks Pass (Lot 11)	109-4-A-011 CO
2781 Jenoaks Pass (Lot 12)	109-4-A-012 CO
2500 Janalyn Trace (Lot 13)	109-4-A-013 CO
2504 Janalyn Trace (Lot 14)	109-4-A-014 CO
2508 Janalyn Trace (Lot 15)	109-4-A-015 CO
2512 Janalyn Trace (Lot 16)	109-4-A-016 CO
2524 Janalyn Trace (Lot 17)	109-4-A-017 CO
2528 Janalyn Trace (Lot 18)	109-4-A-018 CO
2533 Janalyn Trace (Lot 43)	109-4-A-019 CO
2521 Janalyn Trace (Lot 44)	109-4-A-020 CO
2517 Janalyn Trace (Lot 45)	109-4-A-021 CO
2513 Janalyn Trace (Lot 46)	109-4-A-022 CO
2509 Janalyn Trace (Lot 47)	109-4-A-023 CO
2505 Janalyn Trace (Lot 48)	109-4-A-024 CO
2501 Janalyn Trace (Lot 49)	109-4-A-025 CO
2020 Towering Oaks Drive (Lot 50)	109-4-A-026 CO
2024 Towering Oaks Drive (Lot 51)	109-4-A-027 CO
2028 Towering Oaks Drive (Lot 52)	109-4-A-028 CO
2032 Towering Oaks Drive (Lot 53)	109-4-A-029 CO
2036 Towering Oaks Drive (Lot 54)	109-4-A-030 CO
2040 Towering Oaks Drive (Lot 55)	109-4-A-031 CO
2045 Towering Oaks Drive (Lot 56)	109-4-A-032 CO
2041 Towering Oaks Drive (Lot 57)	109-4-A-033 CO
2037 Towering Oaks Drive (Lot 58)	109-4-A-034 CO
2033 Towering Oaks Drive (Lot 59)	109-4-A-035 CO
2029 Towering Oaks Drive (Lot 60)	109-4-A-036 CO
2025 Towering Oaks Drive (Lot 61)	109-4-A-037 CO
2800 Jenoaks Pass (Lot 62)	109-4-A-038 CO
2804 Jenoaks Pass (Lot 63)	109-4-A-039 CO
2808 Jenoaks Pass (Lot 64)	109-4-A-040 CO
2809 Jenoaks Pass (Lot 65)	109-4-A-041 CO
2805 Jenoaks Pass (Lot 66)	109-4-A-042 CO
2801 Jenoaks Pass (Lot 67)	109-4-A-043 CO
2200 Chance Drive (Lot 68)	109-4-A-044 CO
2204 Chance Drive (Lot 69)	109-4-A-045 CO
2208 Chance Drive (Lot 70)	109-4-A-046 CO
2209 Chance Drive (Lot 71)	109-4-A-047 CO
2205 Chance Drive (Lot 72)	109-4-A-048 CO
2201 Chance Drive (Lot 73)	109-4-A-049 CO
2001 Towering Oaks Drive (Lot 74)	109-4-A-050 CO
1461 Stewarts Ferry (Open Space)	109-4-A-051 CO
Chance Drive (Open Space)	109-4-A-052 CO
2044 Towering Oaks Drive (Open Space)	109-4-A-053 CO

Street Address of Subject Property:	**Map and Parcel:**
2520 Janalyn Trace (Open Space)	109-4-A-054 CO
1473 Stewarts Ferry (Open Space)	109-4-A-055 CO
5568 S New Hope Road (Remaining Acreage)	98-170
Hermitage, TN 37076	

SPECIAL 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 Grantee, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, **PINNACLE NATIONAL BANK,** a national banking association, hereinafter called "**GRANTOR,**" has bargained and sold, and by these presents does transfer and convey unto **TENN. CONTRACTORS, INC.,** a Tennessee corporation, hereinafter called "**GRANTEE,**" its successors and assigns, a certain tract or parcel of land in Davidson County, Tennessee, as more particularly described on Exhibit "A" attached hereto.

This is unimproved property located in Hermitage, Davidson County, Tennessee.

The conveyance of the above described parcel of land is subject to the following:

1. Metropolitan Nashville/Davidson County taxes for 2009 which have been prorated between the parties and assumed by Grantee.

2. All matters shown on Final Plat for Cluster Lot Subdivision, Towering Oaks, Phase One, of record as Instrument No. 20071127-0137704 in the Register's Office for Davidson County, Tennessee.

3. Stormwater Detention Agreement of record as Instrument No. 20070601-0065248 in said Register's Office.

4. Easement Agreement and Restrictions as set forth in instruments of record as Instrument No. 20010205-0010996; Instrument No. 20041026-0128530; Instrument No. 20050615-0068192 and Instrument No. 20070601-0065248 in said Register's Office.

5. Easement for the flow of the waters of any creeks or streams and the rights of the public therein.

6. Rights of upper and lower riparian owners to the flow of the waters of any creeks or streams, free from diminution or pollution.

7. Changes in the boundary of the subject property resulting from erosion or accretion caused by the flow of any creeks or streams.

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, its successors and assigns, forever; and Grantor does covenant with the said Grantee that it is lawfully seized 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; and further covenants and binds itself, its successors and assigns, to warrant and forever defend the title to the said Grantee, its successors and assigns, against the lawful claims of all persons claiming by or through Grantor, but not further or otherwise. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS its hand this 17th day of September, 2009.

PINNACLE NATIONAL BANK, a national banking association

By: _____
Charles R. Lanier, Senior Vice President

STATE OF TENNESSEE]
COUNTY OF WILLIAMSON]

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared Charles R. Lanier, with whom I am personally acquainted and who, upon oath, acknowledged himself to be a Senior Vice President of **PINNACLE NATIONAL BANK**, a national banking association, and that he as such Senior Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal at Franklin, Tennessee, this 17th day of September, 2009.

NOTARY PUBLIC
Douglas A. Brace
My Commission Expires
May 6, 2013
STATE OF TENNESSEE

_____
NOTARY PUBLIC

My commission expires:_____

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EXHIBIT "A"
Property Description

Being a tract of land lying in Nashville, Davidson county, Tennessee, and being more particularly described as follows:

Beginning at an existing iron rod in the northerly right-of-way line of Stewarts Ferry Pike, at a corner common with the property of Cecil K. Casto, Et Ux, as of record in Deed Book 9187, Page 340, at the Register's Office for Davidson County, Tennessee;

Thence with the northerly right-of-way line of Stewarts Ferry Pike, with a curve to the right, along an arc length of 56.89 feet, the central angle of which is 08 deg 02 min 55 sec, the radius of which is 405.00 feet, the chord of which is North 61 deg 32 min 16 sec West, 56.85 feet to an existing iron rod;

Thence North 57 deg 30 min 48 sec West, 293.51 feet to an existing iron rod;

Thence with a curve to the left, along an arc length of 195.87 feet, the central angle of which is 13 deg 26 min 25 sec, the radius of which is 835.00 feet, the chord of which is North 64 deg 14 min 01 sec West, 195.42 feet to an existing iron rod;

Thence North 70 deg 57 min 13 sec West, 34.51 feet to an existing iron rod, at a corner common with the property of Joyce J. Jones, as of record in Deed Book 9517, Page 768; at the Register's Office for Davidson County, Tennessee;

Thence leaving the northerly right-of-way line of Stewarts Ferry Pike, with the easterly property line of Joyce J. Jones, North 09 deg 28 min 54 sec East, 644.19 feet to an existing iron rod, at a corner common with Lot 2 of Stewart Hills, as of record in Plat Book 5800, Page 121, at the Register's Office for Davidson County, Tennessee, also being the property of Joyce J. Jones, as of record in Deed Book 9517, Page 768, at the Register's Office for Davidson County, Tennessee;

Thence with the easterly property line of said Lot 2, North 09 deg 29 min 54 sec East, 255.97 feet to an existing concrete monument, at a corner common with J. Percy Priest Lake, United States of America;

Thence with the westerly property line of J. Percy Priest Lake, United States of America, North 09 deg 29 min 57 sec East, 706.69 feet to an existing concrete monument, at a corner common with the open space of the Peninsula, Phase Two, as of record in Plat Book 9700, Page 352, at the Register's Office for Davidson County, Tennessee;

Thence with the easterly property line of said open space, North 09 deg 02 min 15 sec East, 229.55 feet to an existing iron rod, at a corner common with the property of Donald H. Ammons, as of record in Instrument Number 20010614-0062786, at the Register's Office for Davidson County, Tennessee;

Thence with the southerly property line of Donald H. Ammons, South 76 deg 39 min 20 sec East, 728.70 feet to an existing iron rod in the southerly property line of the open space of Phase One, Section Two, New Hope Point, as of record in Plat Book 9700, Page 431, at the Register's Office for Davidson County, Tennessee, at a corner common with the property of Ole and Margarita V. Andersen, as of record in Instrument Number 20030410-0048003, at the Register's Office for Davidson County, Tennessee;

Thence with the westerly property line of Ole and Margarita V. Andersen, South 13 deg 25 min 49 sec West, 380.0 feet to an existing iron rod;

Thence with the southerly property line of Ole and Margarita V. Andersen, South 76 deg 41 min 45 sec East, 30.00 feet to an existing iron rod, at a corner common with the property of George Bouldin, Et Ux, as of record in Deed Book 10669, Page 203; at the Register's Office for Davidson County, Tennessee;

Thence with the westerly property line of George Bouldin, Et Ux, South 13 deg 47 min 52 sec West, 146.46 feet to an existing iron rod;

Thence with the southerly property line of George Bouldin, Et Ux, South 66 deg 26 min 33 sec East, 22.47 feet to an existing iron rod, at a corner common with the property of Earl W. Flynn, Et Ux, as of record in Deed Book 8937, Page 982, at the Register's Office for Davidson County, Tennessee;

Thence with the westerly property line of Earl W. Flynn, Et Ux; South 10 deg 03 min 40 sec West, 895.99 feet to an existing iron rod; at a corner common with the property of Cecil K. Casto, Et Ux;

Thence with the northerly property line of Cecil K. Casto, Et Ux, South 83 deg 03 min 46 sec West, 179.98 feet to an existing iron rod;

Thence with the westerly property line of Cecil K. Casto, Et Ux, South 10 deg 57 min 01 sec West, 501.78 feet to the POINT OF BEGINNING. Containing 1,309,377 square feet or 30.059 acres more or less.

The sale also includes all of rights, title and interest in Towering Oaks Development Company, LLC in an easement represented by a gravel road approximately 20 feet in width beginning at New Hope Road and continuing in a westerly direction between property belonging to New Hope Point, Book 2911, page 875, and property belonging to Shirley T. Miller Jackson, Book 9483, page 32 ("Easement A").

In addition, the sale includes all rights of Towering Oaks Development Company, LLC in an alternative easement 12 feet in width across the easternmost boundary of the property described in Book 7869, Pages 879-880 and Book 10190, Pages 396-397, Register's Office for said County, leading from the property being foreclosed upon herein to Cape Hope Pass ("Easement B").

Subject to the covenant of Towering Oaks Development Company, LLC not to commence use of Easement B unless and until their use and enjoyment of Easement A is disturbed or involuntarily discontinued.

Being the same property conveyed to Towering Oaks Development Company, LLC by deed of record at Instrument No. 20050831-0104488, as corrected by Affidavit of Scrivener's Error at Instrument No. 20080527-0053369, said Register's Office.

The above-described real property includes the lots designated on the Final Plat for Cluster Lot Subdivision Towering Oaks, Phase One, which Plat is of record at Instrument No. 20071127-0137704, said Register's Office.

Being the same property conveyed to Pinnacle National Bank, a national banking association, by Substitute Trustee's Deed from B. Anthony Saunders, Substitute Trustee, of record as Instrument No. 20090423-0036877 in the Register's Office for Davidson County, Tennessee.