**This Instrument Prepared By:**
**Sean C. Kirk**
**MILLER & MARTIN PLLC**
**1200 One Nashville Place**
**150 4th Avenue North**
**Nashville, TN 37219**

PICK-UP

BILL GARRETT, Davidson County
Trans:T20090063792 DEEDTRS
Recvd: 09/17/09 16:01 5 pgs
Fees:28.00 Taxes:7041.10
20090917-0087047

**Name and Address of New Owner:**

Civic Bank & Trust
P.O. Box 331287
Nashville, TN 37203

**Send Tax Bills To:**

Same

**Tax Map & Parcel No.:**

Map: 145
Parcels: 154, 155, 156 & Part of 151

## SUBSTITUTE TRUSTEE'S QUITCLAIM DEED

**THIS DEED** is executed to be effective as of the 15th day of September 2009 from **Sean C. Kirk,** as Grantor, in his capacity as Substitute Trustee, to **Civic Bank and Trust** as Grantee.

**W I T N E S E T H:**

**WHEREAS**, on February 8, 2006, VANBECO, LLC executed a Deed of Trust, Assignment of Leases and Rents and Security Agreement (the "Deed of Trust") to the trustee named therein to secure the prompt payment of certain indebtedness held by and owing to Civic Bank and Trust, ("Bank"), said indebtedness being more particularly described in the Deed of Trust which is of record in the Register's Office of Davidson County, Tennessee in Instrument No. 20060214-0017643 as amended in Instrument No. 200806190063443, to which reference is hereby made; and

**WHEREAS**, default was made in the payment of the aforesaid indebtedness and in the performance of the covenants described in the Deed of Trust, by reason of which the entire balance owing thereunder was declared to be due and payable; and

**WHEREAS**, pursuant to the terms of the Deed of Trust, Sean C. Kirk was appointed as Substitute Trustee as reflected in that certain Appointment of Substitute Trustee recorded in Instrument No. 20090818-0077499, in the Register's Office of Davidson County, Tennessee; and

**WHEREAS**, by virtue of the power and authority vested in me as Substitute Trustee under the Deed of Trust, at the request of Bank, being the owner and holder of the indebtedness secured thereby, and for the purposes of effecting payment and satisfaction of the

indebtedness, including principal, interest, late charges, attorney fees and costs of sale, Jean P. Shearer, as agent for Sean C. Kirk, Substitute Trustee, did on September 15, 2009 commencing at 11:00 A.M. pursuant to advertisement of sale published in The Tennessean in its Davidson AM editions of August 21, 2009, August 28, 2009 and September, 4, 2009, offer for sale and sold at public auction to the highest and best bidder for cash at the front door of the Metropolitan Courthouse, Nashville, Davidson County, Tennessee, in bar of the equities of redemption, statutory redemption, dower, homestead and all other exemptions of every kind, all of which are expressly waived in the Deed of Trust, the hereinafter described real estate, at which sale the Grantee became the highest and best bidder at and for the sum of One Million Nine Hundred Three Thousand and 00/100 Dollars ($1,903,000.00).

**NOW, THEREFORE**, I, Sean K. Kirk, Substitute Trustee, exercising the power and authority vested in me, and in bar of the equities of redemption, statutory redemption, dower and homestead, do hereby quitclaim to the Grantee, its successors and assigns, all my interest in the following described real estate located in the City of Nashville, County of Davidson, State of Tennessee:

A tract of land in the 33rd Councilmanic District of Metropolitan Nashville, Davidson County, City of Oak Hill, Tennessee, being described according to prior surveys by John Kohl & Company, PC as follows:

Beginning at a P.K. nail (old) at the intersection of the East right-of-way line of Granny White Pike (Public R.O.W. – width varies) and the centerline of Sky Knob Drive (Private Road – 35' width) as recorded in Deed Book 5170, page 144, and Book 5541, page 207, R.O.D.C., Tennessee, that is northeast 265.28 feet from the northerly end of the northeast return curve at the intersection of Granny White Pike and Otter Creek Road (50' public R.O.W.); thence, leaving the aforesaid centerline of Sky Knob Drive, with the east right-of-way line of Granny White Pike, N 14 deg 15' 54" E 311.67 feet to an iron rod (old) at an offset in said right-of-way line; thence, with said offset, S 83 deg 39' 16" E 16.15 feet to an iron rod (old)' thence, continuing with said right-of-way line N 13 deg 32' 45" E 202.42 feet to an iron rod (old) at the southwesterly property corner of Lot #21 as shown on the final plat of Granny White Park as recorded in Plat Book 3700, page 72, R.O.D.C., Tennessee, thence, leaving said right-of-way line, with the southerly boundary line of the aforesaid Granny White Park, S 84 deg 42' 31" E 364.52 feet to an iron rod (old) at the common southerly property corner between Lots 20 and 21; thence, S 84 deg 48' 50" E 216.48 feet to an iron rod (old); thence, N 85 deg 44' 32" E 110.08 feet to an iron rod (old) at the common southerly property corner between Lot 20 and reserve parcel (29); thence, N 86 deg. 31' 00" E 433.55 feet to an iron rod (old) at the south end of a return curve from Stonewall Jackson Court (50' public R.O.W.); thence, continuing with the southerly boundary line of Granny White Park, N 86 deg. 46' 38" E 578.61 feet to an iron rod (old) at the northwesterly property corner of a tract of land as deed to Edward M. Yarbrough as recorded in Instrument #20040504-0050738, R.O.D.C., Tennessee; thence, leaving the southerly boundary line of Granny White Park, with the westerly property line of the Yarbrough tract, S 52 deg. 29' 43" W

124.62 feet to an iron rod (old) at the northwesterly property corner of another tract of land as deed to Edward M. Yarbrough as of record in Instrument #20030311-0031719, R.O.D.C., Tennessee. Said iron rod also being the northeasterly property corner of a tract of land as deeded to Michael J. Henderson as of record in Instrument #200301140005541, R.O.D.C., Tennessee; thence, leaving the westerly property line of the Yarbrough tract, with the northerly property line of the aforesaid Henderson tract, S 79 deg 37' 25" W 206.00 feet to an iron rod (old); thence, S 15 deg 22' 24" W 15.97 feet to an iron rod (old); thence, S 80 deg 08' 24" W 48.03 feet to an iron rod (old) at the most northwesterly property corner of the Henderson Tract; thence, with the westerly property line of the Henderson Tract, S 14 deg 58' 21" E 327.29 feet to a P.K. nail (old) in the center of the aforesaid Sky Knob Drive, said roadway centerline also being the northerly boundary line of Radnor Trace Estates as recorded in Plat Book 6900, page 134, R.O.D.C., Tennessee; thence, with the northerly boundary line of Radnor Trace Estates, in part and the centerline of Sky Knob Drive S 84 deg 47' 00" W 201.50 feet to a P.K. Nail (old); thence, S 83 deg 17' 32" W 228.90 feet to a P.K. Nail (old) at the northeasterly property corner of a tract of land as deeded to James & Ellen Thomas as recorded in Instrument #200104200039202, R.O.D.C., Tennessee; thence, continuing with the centerline of Sky Knob Drive, being the northerly property line of the Thomas Tract, S 82 deg 44' 28" W 61.42 feet to a P.K. Nail (old); thence, S 87 deg 08' 56" W 163.15 feet to a P.K. nail (old) in the centerline of Sky Knob Drive being the northerly property line of the remaining property of George P. Morehead as of record in Deed Book 1072, page 5, R.O.D.C., Tennessee; thence, continuing with the centerline of Sky Knob Drive and the northerly property line of the remaining Morehead tract, S88 deg 53' 16' W 298.72 feet to a P.K. Nail (old); thence, N 89 deg 19' 32" W 97.65 feet to a P.K. nail (old); thence, N 87 deg 16' 22" W 96.52 feet to a P.K. nail (old); thence, N85 deg. 56' 21" W 125.16 feet to a P.K. nail (old); thence, N 87 deg 59' 31" W 91.73 feet to a P.K. nail (old); thence, S 80 deg 34' 08" W 123.48 feet to a P.K. nail (old); thence, N 82 deg 50' 53" W 88.32 feet to the point of beginning and containing 697,341 square feet or 16.01 acres, more or less, as calculated by the above bearings and distances.

Being the same property conveyed to VanBeCo, L.L.C. by deed from Karl L. Van Becelaere and wife, Linda L. Van Becelaere of record in Instrument No. 20060214-0017642, Register's Office for Davidson County, Tennessee.

This property is further described as Lots 1, 2 and 3 of the Van Becelaere Subdivision of record in Instrument No. 20060217-0019459, and Lots 1, 2, 3, 4 and 5 of The Reserve @ Radnor Lake of record in Instrument No. 200803270030965, Register's Office for Davidson County, Tennessee.

The property addresses are believed to be: 1107 Stonewall Jackson Court, 5210 Granny White Pike, 5208 Granny White Pike, 5255 Granny White Pike, 5265 Granny White Pike, 5261 Granny White Pike, 5241 Granny White Pike and 5245 Granny White Pike, all in Nashville, Tennessee.

The Substitute Trustee does hereby quitclaim unto Grantee all of his right, title and interest in the said property and not further or otherwise and subject to any governmental zoning or subdivision ordinances or regulations in effect thereon and further subject to any unpaid taxes or assessments owing on the property.

**IN WITNESS WHEREOF**, I, Sean C. Kirk, Substitute Trustee, have executed this instrument to be effective the date first above written.

Sean C. Kirk
Substitute Trustee

**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

Personally appeared before me, Jean P. Shearer, Notary Public, Sean C. Kirk, Substitute Trustee, 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 15th day of August, 2009.

JEAN P. SHEARER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JAN. 23, 2010

Jean P. Shearer
Notary Public
My Commission Expires: 1-23-2010

**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

I hereby swear or affirm that, to the best of my knowledge, information and belief, the actual consideration for this transfer is $1,903,000.

Sean C. Kirk

Sworn to and subscribed before me
this 15th day of September, 2009.

Jean P. Shearer
Notary Public
My Commission Expires: 1-23-2010

JEAN P. SHEARER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JAN. 23, 2010