BILL GARRETT, Davidson County
Trans:T20090067935 DEEDWARR
Recvd: 10/06/09 08:13 6 pgs
Fees:33.00 Taxes:34780.00
20091006-0092637

AFTER RECORDING, RETURN TO:

THIS INSTRUMENT PREPARED BY:

Hartman, Simons, Spielman & Wood, LLP
6400 Powers Ferry Road, Suite 400
Atlanta, GA 30339

ADDRESS OF NEW OWNER:	**SEND TAX BILLS TO:**	**MAP PARCEL NO.**
6136 Hillsboro Pike Nashville, TN 37215	6136 Hillsboro Pike Nashville, TN 37215	118-11-179.00

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 consideration, the receipt of which is hereby acknowledged, HOME DEPOT U.S.A., INC., a Delaware corporation, hereinafter called the **GRANTOR**, has bargained and sold, and by these presents do transfer and convey unto OAKS INVESTMENT PARTNERS, GP, a Georgia general partnership, hereinafter called the **GRANTEE,** a certain tract or parcel of land in Davidson County, Tennessee, described as follows, to wit:

See **Exhibit "A"** attached hereto and made a part hereof.

To Have and to Hold said Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its heirs and assigns, forever. GRANTOR covenants with said GRANTEE that GRANTOR is lawfully seized and possessed of said Property in fee simple, has a good right to convey it, and the same is unencumbered, except as otherwise set out herein and on **Exhibit "B"** attached hereto and made a part hereof. GRANTOR does further covenant and bind itself, its heirs and representatives, to warrant and forever defend the title to said Property to the GRANTEE, its heirs and assigns, against the lawful claims of all persons claiming by, through, or under GRANTOR, but no 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.

[Remainder of page intentionally left blank]

Witness my hand this 1st day of October, 2009.

GRANTOR:

HOME DEPOT U.S.A., INC.

By: _____
Name: Brett D. Soloway
Its: Counsel – Real Estate Law

STATE OF GEORGIA
COUNTY OF COBB

Before me, the undersigned Notary Public, of the state and county aforementioned, personally appeared Brett D. Soloway, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Counsel – Real Estate Law of Home Depot U.S.A., Inc., the within named bargainor, a Delaware corporation, and that he as such officer, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as such officer.

Witness my hand and official seal, at office this 1st day of October, 2009.

Evelyn R. Clayton
Notary Public

My commission expires:

EVELYN R. CLAYTON NOTARY PUBLIC MY COMMISSION EXPIRES August 17, 2011 DeKALB COUNTY, GEORGIA

EXHIBIT "A"

Legal Description of Property

Being a parcel of land in Nashville, First Civil District, Twenty-Sixth Councilmanic District, Davidson County, Tennessee, located between Powell Avenue and the CSX Transportation Railroad, south of and adjacent to Thompson Lane and being more particularly described as follows:

Beginning at the point of intersection of the easterly occupied/usage right-of-way of the CSX Transportation Railroad and the southerly right-of-way of Thompson Lane, said point being 33 feet easterly of the centerline of track; thence, with the southerly right-of-way of said Thompson Lane (controlled access right-of-way), N 50 deg. 42' 05" E, 368.22 feet to the right-of-way monument; thence, leaving said right-of-way with the westerly boundary of a pump station site deeded to Metropolitan Government of Nashville, Davidson County, Tennessee of record in Book 7275, page 575, Register's Office for Davidson County, Tennessee; S 34 deg. 26' 50" E, 123.73 feet to an iron pin; thence, with the southerly boundary of said pump station site, N 70 deg. 42' 49" E, 175.01 feet to an iron pin; thence, with the easterly boundary of said pump station site along the westerly bank of East Fork Browns Creek, N 27 deg. 40' 35" W, 91.35 feet to an iron pin on the southerly side of a drive leading to said site; thence, along said drive, N 70 deg. 31' 21" E, 167.59 feet to an iron pin in the westerly right-of-way of Old Powell Avenue; thence, with said Powell Avenue, S 27 deg. 41' 21" E, 269.33 feet to an iron pin; thence, S 24 deg. 23' 29" E, 249.82 feet to an iron pin; thence, continuing with said right-of-way with a curve to the left, 87.95 feet to a point, said curve having a radius of 6,738.95 feet, a central angle of 00 deg. 44' 52", a tangent distance of 43.98 feet and a chord of S 24 deg. 45' 55" E, 87.95 feet; thence, leaving said Powell Avenue with a severance line, S 87 deg. 58' 17" W, 129.20 feet to the center of said East Fork Browns Creek; thence S 58 deg. 01' 24" W, partly along a fence, 559.75 feet to the easterly occupied/usage right-of-way of said CSX Transportation Railroad; thence, with said right-of-way being 33 feet distant from and parallel to the centerline of the main track and with a curve to the right in a northwesterly direction, 599.82 feet to the point of beginning, said curve having a radius of 13,138.44 feet, a central angle of 02 deg. 36' 57", a tangent distance of 299.97 feet and a chord of N 29 deg. 40' 27" W, 599.77 feet; containing 410,723 square feet or 9.43 acres, more or less.

Being the same property conveyed to HOME DEPOT U.S.A., INC., by deeds of record as Instrument Nos. 20010816-0088643 and 200108160088644, said Register's Office.

EXHIBIT "B"

Permitted Exceptions

1. Taxes for the year 2009 and subsequent years, which are not yet due an payable, including supplemental assessments pursuant to the provisions of TCA 67-5-603, et. Seq.;

2. Title to that portion of the Property, if any, located within the charter right-of-way of CSX Transportation Railroad;

3. Easement of record in Book 9753, Page 844, said Register's office;

4. Easement to Metropolitan Government of Nashville and Davidson County, of record in Book 5878, Page 474, said Register's Office;

5. Subject to the flow of East Fork Browns Creek;

6. Easement to United States of America, of record in Book 1153, Page 542, said Register's Office;

7. Easement to United States of America, of record in Book 1561, Page 117, said Register's Office;

8. Easement of record in Book 1814, Page 533, said Register's Office;

9. Easement to Nashville Suburban Utility District of record in Book 3028, Page 569, said Register's Office;

10. Lack of access to controlled access highway as set forth in the deed to the State of Tennessee of record in Book 4567, Page 558, said Register's Office;

11. Easement to State of Tennessee, of record in Book 4680, Page 268, said Register's Office;

12. Easement to Metropolitan Government of Nashville and Davidson County, of record in Book 6597, Page 381, said Register's Office;

13. Easement to Metropolitan Government of Nashville and Davidson County, of record in Book 6695, Page 66, said Register's Office;

14. Access Easement of record in Book 9759, Page 20, as amended by Instrument Nos. 20011030-0118037 and 20020227-0024771, said Register's Office;

15. Restrictions, covenants and agreements of record in Book 9753, Page 837, said Register's Office; and

16. Matters shown on the survey of the Property prepared by Gresham Smith and Partners, Project 27147.02, dated June 3, 2009, last revised September 24, 2009.

AFFIDAVIT OF VALUE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration for this transfer is $9,400,000.00.

Subscribed and sworn to before me this the 1st day of October, 2009.

Affiant

My commission expires:

EVELYN R. CLAYTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
August 17, 2011
DeKALB COUNTY, GEORGIA

Evelyn R. Clayton
Notary Public

2067207-1 1630.2517300