WARRANTY DEED

BILL GARRETT, Davidson County
Trans:T20100003971 DEEDWARR
Recvd: 01/21/10 09:49 2 pgs
Fees:13.00 Taxes:231.25
20100121-0005130

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $62,500.00

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 19TH DAY OF JANUARY, 2010.

Notary Public

MY COMMISSION EXPIRES: October 22, 2011
(AFFIX SEAL)

ANN B. WADDELL NOTARY PUBLIC STATE OF TENNESSEE COUNTY OF WILLIAMSON

THIS INSTRUMENT WAS PREPARED BY
Title Escrow of Brentwood, Inc., 5111 Maryland Way, Ste. 205, Brentwood, TN 37027

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
John Roseberry	John Roseberry	156050A05900CO
(NAME)	(NAME)	
1107 Smokewood Way	1107 Smokewood Way	
(ADDRESS)	(ADDRESS)	
Nashville, TN 37221	Nashville, TN 37221	
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE, **Biltmore Development LLC, a Tennessee limited liability company**, HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO **John Roseberry and Lula Ann Roseberry, husband and wife**, HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Being Lot No. 59, Section 2, Phase 1, on the plan of Harpeth Village, a Planned Unit Development, of record in Instr. No. 20080618-0062694, and further described in the Addendum to Declaration of Covenants, Condition and Restriction of record in Instr. No. 20090123-0006190, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate description.

Being part of the same property conveyed to Biltmore Development LLC, a Tennessee limited liability company, by deed from Kimco Barclay Harpeth, L.P., a Tennessee limited partnership, dated 4/19/07, of record in Instr. No. 20070424-0048960, and by Quitclaim Deed of record in Instr. No. 20070424-0048961, Register's Office for Davidson County, Tennessee.

All taxes for 2010 were prorated and assumed by the Grantees for subsequent years, which are a lien not yet payable.
Subject to all matters as set out on the plan of record in Instr. No. 20080618-0062694, and further described in the Addendum to Declaration of Covenants, Condition and Restriction of record in Instr. No. 20090123-0006190, said Register's Office
Declaration of Covenants, Conditions, and Restrictions as set out in Instr. No. Instr. No. 20070507-0054445, Instr. No. 20090121-0005246, By-laws in Instr. No. 20090121-0005247, as amended in Instr. No. 20090123-0006190, said Register's Office.
Deed to Biltmore Development, LLC conveying "Open Space "A" as set out in Instr. No. 20080626-0066101, said Register's Office.
Subject to the assessment of homeowners association fees, if any.
Subject to Harpeth Valley Utility District easements as set out in Book 4760, page 840, Book 8019, page 166 and Instr. No. 20000510-0047300, said Register's Office.
Subject to Sanitary Sewers and Storm Water Detention Agreement as set out in Instr. No. 20051219-0151714, said Register's Office.
Subject to Metropolitan Davidson County Government easements for water mains, pumps and appurtenances as set out in Instr. No. 20070829-0103594, said Register's Office.
Subject to Inspection and Maintenance Agreement of record in Instr. No. 20070829-0103726, said Register's Office.
Subject to easement granted to Comcast of Nashville as set out in Instr. No. 20081107-0110815, said Register's Office.
(a) All right, title or claim or any character by the United States, state, local government or by the public generally in and to any portion of the land lying within the current or former bed, or below the ordinary high water mark, or between the cut banks of a stream navigable in fact or in law.
(b) Right of riparian water rights owners to the use and flow of the water.
(c) The consequence of any past of future change in the location of the bed.

unimproved ☒

This is improved ☐ property, known as 1107 Smokewood Way, Nashville, TN 37221
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

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 do 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 we do further covenant and bind ourselves, our heirs and representatives, 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 persons whomsoever. 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 my hand this 19th day of January, 2010.

Biltmore Development LLC

By:

Austin Daniel, Managing Member

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

Personally appeared before me, the undersigned Notary Public in and for the aforesaid State and County, Austin , with whom I am acquainted (or who on the basis of satisfactory evidence) acknowledged himself to be the Managing Member of Biltmore Development LLC, a Tennessee limited liability company, and as such Managing Member is so authorized to executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Brentwood, Tennessee this 19th day of January, 2010.

Commission expires: October 22, 2011

Ann B. Waddell Notary Public

ANN B. WADDELL
NOTARY PUBLIC
STATE OF TENNESSEE
COUNTY OF WILLIAMSON