BILL GARRETT, Davidson County
Trans:T20100005157 DEEDWARR
Recvd: 01/26/10 16:00 4 pgs
Fees:23.00 Taxes:108.67
20100126-0006696

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $29,370.00

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 21st DAY OF JANUARY, 2010.

NOTARY PUBLIC

My Commission expires:

BRANDY K. GOMEZ NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY, TENN.
My Commission Expires NOV 4, 2013

THIS INSTRUMENT PREPARED BY
R. Kirkland Moser, Attorney 201 Fourth Avenue North, Suite 150 Nashville, Tennessee 37219-2011

NAME & ADDRESS OF PROPERTY OWNER:	SEND TAX BILLS TO:	MAP & PARCEL NUMBERS:
Charles C. Gassaway and Kellye L. Gassaway	Charles C. Gassaway and Kellye L. Gassaway	Map: Part of 00900003700 Parcel:
(NAME) 4810 Whites Creek Pk	(NAME) 4810 Whites Creek Pk	Map: Parcel:
(ADDRESS) Whites Creek, TN 37189	(ADDRESS) Whites Creek, TN 37189	Map: Parcel:
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

Warranty Deed

For and in Consideration Of the sum of $10.00 cash in hand paid by the hereinafter named grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, we

NANCY SUTTON, CO-PERSONAL REPRESENTATIVE AND KRISTIE S. TAYLOR, CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF THOMAS E. STEWART

hereinafter called the GRANTORS, have bargained and sold, and by these presents do transfer and convey unto

CHARLES C. GASSAWAY AND WIFE, KELLYE L. GASSAWAY

hereinafter called the GRANTEES, their heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows, to wit:

Property located on the west side of Wilkinson Road in the 1st Councilmanic District of Davidson County, Tennessee. Being shown as part of parcel 37.00 on Davidson County Property Map 9, and being more particularly described according to a survey by J. Bruce Rainey, Surveyor #823, dated November 2, 2005 and revised on November 25, 2009 and known as Job No. 03-0166, as follows:

BEGINNING at a P.K. Nail set in the centerline of Wilkinson Road at the Northeast corner of Tract 3. Said point of beginning being located 350.43' in a northerly direction from the Northeast corner of the E.G.Winters property of record in Book 4414, Page 16, R.O.D.C., TN. Thence from said POINT OF BEGINNING, leaving Wilkinson Road with the northerly line of Tract 3, N 89°16'54" W – 1058.12' to an iron pin set; Thence N 01°14'19" E – 498.94' to an iron pin set in the southerly line of the Charles and Kellye Gassaway property of record in Instrument No. 20060125-0009571, R.O.D.C., TN; Thence with the southerly line of Gassaway, S 73°59'58" E – 314.79' to an iron pin set; Thence S 35°24'57" E – 269.03' to an iron pin set; Thence N 66°03'59" E – 452.28' to a P.K. Nail set in the centerline of Wilkinson Road; Thence with said centerline and a curve left having a radius of 290.09', a chord length of 51.58', said chord having a bearing of S 34°28'32" E and an arc length along said curve of 51.25' to a point; Thence S 39°32'12" E – 176.13' to a point; Thence with a curve right having a radius of 229.56', a chord length of 215.95', said chord having a bearing of S 11°28'49" E and an arc length along said curve of 224.83' to the POINT OF BEGINNING, containing 8.22 acres, more or less.

This property is subject to a 50' Ingress-Egress and Public Utility Easement running from Wilkinson Road across the northerly portion of Tract 4 for the benefit of Tracts 2 and 3 as shown on said survey and descried as follows:

BEGINNING at a P.K. Nail set in the centerline of Wilkinson Road at the Northeast corner of Tract 4 and the Southeast corner of the Charles and Kellye Gassaway property of record in Instrument No. 20060125-0009571, R.O.D.C., TN. Thence leaving the centerline of Wilkinson Road with the southerly line of Gassaway the following calls:
S 66°03'59" W – 452.28' to an iron pin set; Thence N 35°24'57" W – 269.03' to an iron pin set; Thence N 73°59'58" W – 314.79' to an iron pin set at the Northwest corner of Tract 4.

Said easement lies 50 feet south of and parallel to the above described line.

Being a portion of the same property conveyed to Thomas E. Stewart and Robert Edwards, as Co-Trustees with Full Power to Sell, Transfer, Convey or Mortgage, without Joinder of Beneficiary by Warranty Deed from Carson C. Driver, Jr., et al, of record in Book 5345, page 602, Register's Office for Davidson County, Tennessee. The said Robert Edwards having subsequently resigned as Co-Trustee leaving the said Thomas E. Stewart as sole trustee by instrument of record in Instrument No. 20031114-0166458, said Register's Office; and the said Robert Edwards having further conveyed his rights as a trustee and his interest in and to said property as a beneficiary, to Thomas E. Stewart, individually and Thomas E. Stewart, Trustee, with Full Power to Sell, Transfer, Convey and Mortgage, without Joinder of Beneficiary, by Quitclaim Deed and Assignment of record in Instrument No. 20031114-0166460, said Register's Office. Daniel Hightower has conveyed his interest in said property to Thomas E. Stewart, individually and Thomas E. Stewart, Trustee with Full Power to Sell, Transfer, Convey and Mortgage without Joinder of Beneficiary by Assignment of Beneficial Interest of record in Instrument No. 20031114-0166454, said Register's Office. Carolyn S. Warren has conveyed her interest in said property to Thomas E. Stewart, individually and Thomas E. Stewart, Trustee, with Full Power to Sell, Transfer, Convey and Mortgage without Jointer of Beneficiary by Assignment of Beneficial Interest of record in Instrument No. 20031114-0166455 and by Quitclaim Deed and Assignment of record in Instrument No. 20031114-0166459, said Register's Office. Thomas E. Stewart died testate on April 6, 2009, holding all the beneficial interest in said trust. The Estate of Thomas E. Stewart was probated as Case No. 09P-858, Probate Court for Davidson County, Tennessee. The court appointed Nancy Sutton and Kristie S. Taylor as personal representative and further declared the estate insolvent by order date December 3, 2009, holding all the beneficial interest in said trust. The Estate of Thomas E. Stewart was probated as Case Number 09P-858, Probate Court for Davidson County, Tennessee. The court appointed Nancy Sutton and Kristie S. Taylor as personal representative and further declared the estate insolvent by order date December 3, 2009.

This is **un**improved property known as Tract 4 of the Wilkinson Road survey, Joelton, Tennessee.

This conveyance is subject to the following:

1) 2010 property taxes to be assumed by grantee.
2) Subject to easements and matters set forth in Instrument No. 20031209-0176198, said Register's Office.
3) Subject to the rights of others in and to the 50' ingress-egress easement running from Wilkinson Road across Tracts 4 & 3.
4) Right-of-way easement of record in Book 2272, page 381, said Register's Office.
5) Restrictions as set forth in attached Exhibit "A".

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. We do covenant with 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 set out herein. We do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the 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 our hands this 21st day of January, 2010.

ESTATE OF THOMAS E. STEWART

Nancy Sutton

Nancy Sutton, Co-Personal Representative

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, the within named Nancy Sutton, Co-Personal Representative, the bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledge that he/she/they executed the within instrument for the purpose therein contained.

Witness my hand and official seal at the office this 21st day of January, 2010.

Brandy K. Gomaz

NOTARY PUBLIC

BRANDY K. GOMAZ STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires NOV 4, 2013

My Commission expires:

ESTATE OF THOMAS E. STEWART

Kristie S. Taylor, Co-Personal Representative

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, the within named Kristie S. Taylor, Co-Personal Representative, the bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledge that he/she/they executed the within instrument for the purpose therein contained.

Witness my hand and official seal at the office this 20th day of January, 2010.

NOTARY PUBLIC

My Commission expires:

BRANDY K. GOMAZ
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires NOV. 4, 2013

EXHIBIT "A"

RESTRICTIVE COVENANTS
TRACTS LOCATED ON WILKERSON ROAD, DAVIDSON COUNTY
JOELTON, TN SELLING AT AUCTION ON DECEMBER 5, 2009.

(1) No part of said property may be used for other than single-family residences.

(2) No residence shall be erected having less than 2000 square feet of ground floor area devoted to living area, all of the said areas being exclusive of porches, breezeways, garages and similar spaces. Exterior of home must be brick, stone, vinyl, log or western cedar. Home must be placed on a solid foundation with no exposed concrete block. Blocks must me covered to grade with brick or stone. No homes to be constructed on concrete slabs. Construction of home must be completed with twelve (12) months after the start of construction.

(3) No single-wide mobiles, double-wide mobile homes, modular homes, duplexes or multi-family or below ground level basement homes allowed. No existing structure shall be moved from another location to the existing subject property.

(4) No noxious or offensive activity shall be carried on upon any part of this property nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(5) No swine, sheep, goats, wild or exotic animals, snakes, poultry, chicken houses or dog kennels (chicken houses/dog kennels defined as the use for commercial purposes for raising and selling) shall be maintained on any tract. Beef cattle and horses will be permitted.

(6) All owners shall keep open areas of their lots mowed and allow no bushes or weeds to become unsightly or annoying to other owners by reason of excessive growth.

(7) Outbuildings and barns to be kept painted and of neat appearance. Any additional outbuildings placed on property to be placed to the rear of the dwelling. Exterior of outbuildings to be of the same type material as house exterior with the exception of stock barns, Stock barns will be allowed on tract one (1) through four (4) all along Wilkerson Road. Stock barns to be sided with painted or stained wood, painted metal or brick.

(8) No garage entrance to be on the front of home. Side or rear entrances only or separate detached garage building placed to the rear of the dwelling will be permitted; however, if detached garage building placed on property, exterior of garage to be same type of material as house exterior.

(9) No junk, trash or junk cars that do not run on their own power to be kept on property. This does not prohibit the keeping of vehicles in enclosed buildings.

(10) No recreational vehicles (motor homes, campers, etc.) allowed to be used as a dwelling.

(11) Any subdivision, resubdivision, alteration or change of any of these tracts shall be in accordance with these restrictions and approved by the appropriate Planning Commission of Davidson County.

(12) The foregoing covenants shall be and become covenants running with the land, binding upon the undersigned and all person claiming under them. These restrictions will run with the chain of title for a period of 25 years from and after December 3, 2005.

(13) The above restrictions can be enforced by any owner of Tracts 1 and 2 of Esquire Farms that sold at auction on December 3, 2005, or Tracts 1 thru 4 on the auction plat of the Tom Stewart Estate that sold on December 5, 2009.