SPECIAL WARRANTY DEED

FROM: Bixler Farms, LLC, a Tennessee limited liability company, Grantor

TO: October Homes, L.P., a Tennessee limited partnership, Grantee

This instrument was prepared by:
Warren H. Wild, Jr.
Stites & Harbison, PLLC
401 Commerce Street, Suite 800
Nashville, Tennessee 37219

Address New Owner:

October Homes, L.P.
c/o First Cumberland Properties
5020 Harpeth Drive
Brentwood, TN 37027

Name and Address of the Person or Entity Responsible for the payment of Real Property Taxes:

Same as New Owner

Map-Parcel Number:

Part of 043-10-120

BILL GARRETT, Davidson County
Trans:T20100005980 DEEDWARRSP
Recvd: 02/01/10 10:14 6 pgs
Fees:33.00 Taxes:5180.00
20100201-0007741

STATE OF TENNESSEE)
COUNTY OF ~~Davidson~~ Williamson)

The actual consideration or value, whichever is greater, for this transfer is One Million, Four Hundred Thousand and No/100 Dollars ($1,400,000.00).

Affiant

SUBSCRIBED AND SWORN TO before me, this the 29th day of January, ~~2009.~~2010.

Notary Public

My Commission Expires: Nov. 20, 2010

ANNETTE L. DOLZEN STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY

FOR AND IN CONSIDERATION OF the sum of One Million, Four Hundred ~~Thousand~~ and No/100 Dollars ($1,400,000.00), the receipt and sufficiency of which are hereby acknowledged, Bixler Farms, LLC, a Tennessee limited liability company ("Grantor"), has bargained and sold, and by these presents do transfer and convey unto October Homes, L.P., a

Tennessee limited partnership ("Grantee"), its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

The Property is improved property known as 606 North DuPont Avenue, Madison, Tennessee.

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with the appurtenances, estate, title and interest thereto belonging to Grantee, its successors and assigns forever.

And Grantor does covenant with Grantee that Grantor is lawfully seized and possessed of the Property in fee simple and Grantor has a good right to convey the Property.

And Grantor does further covenant and bind Grantor its successors and assigns to warrant and forever defend the title to the Property to Grantee, its successors and assigns against the lawful claims of all persons whomsoever claiming by, through or under Grantor (other than claims arising from the matters set forth on Exhibit B), but not further or otherwise. This conveyance is expressly made subject to the matters set forth on Exhibit B

Witness my hand this 29th day of January, ~~2009~~ 2010.

BIXLER FARMS, LLC, a Tennessee limited liability company

By: _____
Robert K. Trent, Chief Manager

STATE OF TENNESSEE)
)
COUNTY OF Williamson)

Before me, Annette C. Dolzen, a Notary Public of said County and State, personally appeared Robert K. Trent, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Chief Manager (or other officer authorized to execute the instrument) of BIXLER FARMS, LLC, the within named bargainor, a Tennessee limited liability company, and that he as such Chief Manager executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as its Chief Manager.

Witness my hand and seal, at Office in Brentwood, Tennessee, this 29th day of January, ~~2009~~ 2010.

Annette L Dolzen
Notary Public

My Commission Expires: Nov. 20, 2010

STATE OF TENNESSEE NOTARY PUBLIC WILLIAMSON COUNTY OLZEN

EXHIBIT A

Property Description

Being a certain tract of land lying in the Ninth Councilmanic District of Davidson County, City of Madison, Metropolitan Nashville, Tennessee. Said tract is located on the Northerly Right-of-way line of Old Hickory Boulevard / State Route 45, North 84 Degrees 58 Minutes 08 Seconds West, 2058 feet from the intersection of McArthur Drive and being more particularly described, by metes and bounds as follows:

BEGINNING at an iron rod (old) on the Northerly right-of-way line of Old Hickory Boulevard / State Route 45 at the southeasterly property corner of Metro Government – Metro Parks recorded in Deed Book 7501, page 386, in the Register's Office of Davidson County, Tennessee ("R.O.D.C., Tennessee") and being the southwesterly corner of the herein described property;

Thence, leaving said right-of-way with said Metro Parks property, North 18 degrees 34 minutes 16 seconds West, 409.45 feet to an iron rod (old);

Thence, leaving said Metro Parks property with the common property line of Madison Church of Christ of Record in Deed Book 5700, Page 193, and in Deed Book 2858, page 219, R.O.D.C., Tennessee, the next six calls:

1) North 52 degrees 00 minutes 00 seconds East, 315.14 feet to an iron rod (old);

2) North 07 degrees 01 minutes 20 seconds East, 216.85 feet to an iron rod (old);

3) South 83 degrees 00 minutes 00 seconds East, 113.03 feet to an iron rod (old);

4) North 06 degrees 54 minutes 01 seconds East, 173.24 feet to an iron rod (old);

5) South 82 degrees 08 minutes 20 seconds East, 143.33 feet to an iron rod (old);

6) South 07 degrees 06 minutes 21 seconds West, 171.08 feet to an iron rod (old);

Thence, with said Madison Church of Christ property, South 83 degrees 00 minutes 00 seconds East 94.51 feet to an iron rod (new), on said Madison Church of Christ Property line.

Thence, leaving said Madison Church of Christ property with a new line of Division severing Bixler Farms, LLC of record as Instrument Number 20051129-0143577, R.O.D.C., Tennessee, South 07 degrees 01 minutes 06 seconds West, 236.95 feet to an iron rod (new);

Thence, continuing with said new line of Division, South 82 degrees 58 minutes 54 seconds, East 49.50 feet to an iron rod (new);

Thence, continuing with said new line of Division, South 07 degrees 01 minutes 06 seconds West, 231.45 feet to an iron rod (new);

Thence, continuing with said new line of Division, South 03 degrees 16 minutes 37 seconds East 259.53 feet to an iron rod (new) in the northerly right-of-way line of Old Hickory Boulevard / State Route 45;

Thence, with said right-of-way line, South 84 degrees 45 minutes 34 seconds West, 402.23 feet to the point of beginning and containing 347,226 square feet or 7.97 acres more or less.

This description is in accordance with an ALTA/ACSM Land Title Survey Performed by Ragan Smith Associates, 315 Woodland Street, Nashville, TN. 37206. PH(615)244-8591, on January 20, 2009, and revised on July 8, 2009, by Ted J. Stevenson II, RLS Number 2136. Project Number 04-117 Work Order 8911. Bearings shown hereon are based on the Tennessee Coordinate System of 1983.

The above described property is a portion of the same property conveyed to Bixler Farms, LLC by deed from Thomas E. Hoppes and Philip L. Coats, Trustees of Madison Church of Christ recorded as Instrument No. 20051129-0143577, in the Register's Office of Davidson County, Tennessee.

Together with easement and other rights granted in Easement Grant and Agreement to Remove House recorded as Instrument No. 20051129-0143579, in said Register's Office.

Together with easement and other rights granted by Detention Facilities and Easement Agreement recorded as Instrument No. 20051129-0143580, in said Registers Office, to the extent that it benefits the Property.

Together with easement and other rights granted by Detention Facilities and Easement Agreement recorded as Instrument No. 20060526-0062409, in said Registers Office, to the extent that it benefits the Property.

Together with all other easements appurtenant and other rights appearing of record in said Register's Office that expressly burden other property for the benefit of the Property.

EXHIBIT B

Encumbrances

1. The lien for 2009 Davidson County Taxes.

2. Stormwater Detention Agreement recorded in Book 6193, page 129, in the Register's Office of Davidson County, Tennessee, to the extent that it affects the Property.

3. Stormwater Detention Agreement recorded as Instrument No. 20060526-0062409, in said Register's Office, to the extent that it affects the Property.

4. Waterline Easement granted to Madison Suburban Utility District recorded in Book 2991, page 287, in said Register's Office, to the extent that it affects the Property.

5. Detention Facility and Easement Agreement recorded as Instrument No. 20051129-0143580, in said Register's Office.

6. Easement Grant and Agreement to Remove House recorded as Instrument No. 20051129-0143579, in said Register's Office.

7. All other easements that burden the Property that have been granted by Grantor and are of record in said Register's Office, if any.