BILL GARRETT, Davidson County
Trans:T20100038033 DEEDTRS
Recvd: 06/22/10 13:47 6 pgs
Fees:33.00 Taxes:2197.80
20100622-0048725

This instrument prepared by:
Robert C. Goodrich Jr.
Stites & Harbison, PLLC
401 Commerce Street, Suite 800
Nashville, Tennessee 37219

Address New Owner as follows:	Send Tax Bills To:	Map and Parcel No.:
Fifth Third Bank Attn: Natalie Showley 200 E. Robinson Street, 10th Fl. Orlando, Florida 32801	Same	16400020700 15000013500 16400025800

SUCCESSOR TRUSTEE'S DEED

This Successor Trustee's Deed is made and entered into on this 21st day of June, 2010, by Robert C. Goodrich Jr., Successor Trustee ("**Successor Trustee**").

WHEREAS, by *Deed of Trust For Commercial Purposes* dated February 27, 2003, of record as Instrument No. 20030228-0026794, Register's Office for Davidson County, Tennessee ("**Register's Office**"), as amended by that certain *Modification of Deed of Trust to Add Collateral*, of record as Instrument No. 20060817-0101454, Register's Office (as amended, the "**Deed of Trust**"), Windhaven Shores, Inc., a Tennessee corporation ("**Grantor**"), conveyed to John T. Flaugher, Trustee, the Property (as hereinafter defined) to secure payment to secure the payment of certain indebtedness described in the Deed of Trust ("**Indebtedness**"), which Indebtedness is presently held and owned by Fifth Third Bank ("**Lender**"); and

WHEREAS, the Indebtedness became overdue and unpaid, and other conditions of default occurred, by reason of which the Lender declared the Deed of Trust to be in default, and notice was given of such default to Grantor, in the manner required by the terms of the Deed of Trust, but following such notice the default was not cured; and

WHEREAS, the undersigned, Robert C. Goodrich Jr., has been duly appointed as Successor Trustee in the place and stead of John T. Flaugher, Trustee, by appointment recorded as Instrument No. 20091012-0094733, Register's Office; and

WHEREAS, Lender directed the Successor Trustee to sell the Property as provided in the Deed of Trust, and the Successor Trustee caused notice to be published in the *Nashville City Paper* that the Property would be sold at 12:00 noon CST on June 16, 2010, at the front door of the Davidson County Courthouse, Nashville, Tennessee ("**Foreclosure Notice**"), such Foreclosure Notice appearing in said paper on May 24, May 31, and June 7, 2010; and

WHEREAS, the Successor Trustee further sent a copy of the Foreclosure Notice as required by applicable law, and following the appearance of the Foreclosure Notice in said newspaper the default was not cured; and

WHEREAS, an agent of the Successor Trustee, at 12:00 noon CST on June 16, 2010, at the place specified in the Foreclosure Notice, offered the Property for sale, and after opening the floor for competitive bids, sold the Property to Fifth Third Bank in response to its bid at the price of Five Hundred Ninety-Four Thousand and No/100 Dollars ($594,000.00), which was a credit bid (the "Credit Bid"), this being the highest, last and best bid.

NOW, THEREFORE, I, Robert C. Goodrich Jr., Successor Trustee as aforesaid, in consideration of the premises and in exchange for the Credit Bid, by these presents do transfer and convey unto Fifth Third Bank, its successors and assigns ("**Grantee**"), all of my right, title and interest in and to the following described real property, together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents (subject however to the rights and authorities given to Lender in the Deed of Trust to collect and apply such rents), royalties, mineral, oil, timber and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by the Deed of Trust (collectively, the "**Property**"):

TRACT 1:

Land in the 2nd Civil District of Davidson County, Tennessee, according to a survey by MEC, Inc., dated 4-16-02 and being more particularly described as follows:

Beginning at the northwesterly corner of Tract 2, thence along the easterly line of Tract 1-A, North 07 degrees 09' 02" East a distance of 420.81 feet to a new iron rod; thence along the northerly line of Tract 1-A, North 75 degrees 02' 50" West a distance of 217.19 feet to a new iron spike; thence along the easterly line of Sarah Lee Parker as recorded in Book 7683, Page 585, R.O.D.C.T., North 08 degrees 06' 04" East a distance of 358.94 feet to a new iron rod; thence along the northerly line of the herein described tract, South 74 degrees 52' 26" East a distance of 211.42 feet to an old iron rod; thence along the southerly line of W. L. Stinnett, South 80 degrees 14' 47" East a distance of 410.23 feet to an old iron rod; thence along the southerly line of Harold B. Jackson, Sr. as recorded in Book 6120, Page 13, R.O.D.C.T., South 81 degrees 54' 40" East a distance of 235.15 feet to an old iron rod; thence along the southerly line of Harold B. Jackson, Sr. as recorded in Book 7390, Page 115, R.O.D.C.T., South 80 degrees 50' 05" East a distance of 259.15 feet to an old iron rod; thence along the westerly line of Donald Wayne Turner as recorded in Book 9515, Page 87, R.O.D.C.T., South 08 degrees 32' 11" West a distance of 410.18 feet to an old iron rod; thence along the lines of Tract 4, South 08 degrees 31' 57" West a distance of 379.88 feet to an old iron rod; thence North 80 degrees 10' 06" West a distance of 421.99 feet to an old iron rod; thence along the northerly line of Tract 2, North 80 degrees 09' 14" West a distance of 463.96 feet to the point of beginning and containing 17.84 acres or 777,311 square feet.

TRACT 2:

Land in Antioch, Nashville, Davidson County, Tennessee, being bounded on the North by Rowlett on the east by Hobson Pike on the South by Hamilton Church Road and on the West by Thomas and Associates and being described according to a survey by Campbell, McRae, and Associates Surveying, Inc., Nashville, Tennessee (John Hood TN R.L.S. #1838) dated 11-28-01 more particularly described as follows:

Beginning at a iron rod (old) on the northerly margin of Hamilton Church Road, said rod being the southeast corner of the Thomas and Associates Land (Book 9515, Page 84, R.O.D.C.T.) and being located S 51 degrees 08' 19" E 260 feet from a iron rod (old) at the southwest corner of said Thomas and Associates land and being the southwest corner of the herein described tract of land; thence leaving said northerly margin of Hamilton Church Road with the easterly line of said Thomas and Associates N 26 degrees 20' 41" E 365 feet to a iron rod (old), said rod being a corner to the James H. Rowlett land (Book 9515, Page 90, R.O.D.C.T.); Thence with the southerly line of said Rowletts 50 degrees 45' 17" E 323.43 feet to a iron rod (old) on the westerly margin of Hobson Pike; thence with said westerly margin S 43 degrees 43' 48" W 85 feet to a concrete R.O.W. monument (old); thence continuing with said westerly margin S 42 degrees 04' 14" W 168.46 feet to a iron rod (new); thence S 66 degrees 00' 30" W 62.39 feet to a iron rod (new) on the northerly margin of said Hamilton Church Road; thence with said Northerly margin N 61 degrees 21' 00" W 125.42 feet to a concrete R.O.W. Monument (old); thence S 29 degrees 00' 00" W 10.00 feet to a iron rod (new), containing 89936.91 Sq. ft. for 2.06 acres more or less.

TRACT 3:

Land in the 3rd Civil District of Davidson County, Tennessee, according to a survey by Rex Northcutt, License No. 77, Northcutt Surveying, Shelbyville, TN, dated September 20, 1994, and being more particularly described as follows:

Beginning at a metal pin at a fence corner post on the north margin of Hamilton Church Road at the southeast corner of the W. H. Rowlett property, and being the southwest corner of the property herein described; thence leaving the north margin with the east line of the said Rowlett property, North 7 deg. 10' 40" East 564.20 feet to a metal pin at a fence corner post at the northwest corner of the property herein described; thence South 80 deg. 06' 49" East 464.00 feet to a metal pin at the northeast corner of the property herein described; thence leaving said east line, South 26 deg. 20' 41" West 310.80 feet to a metal pin; thence South 26 deg. 20' 41" West 365.00 feet to a metal pin on the north margin of said Hamilton Church Road, at the southeast corner of the property herein described; thence with the said north margin, North 61 deg. 08' 19" West 260.00 feet to the point of beginning and containing 5.02 acres more or less.

Being the same property conveyed to Gary B. Fisher and wife, Brenda J. Fisher, one-third interest, and Global Development, Inc., two-thirds interest, by deed from Windhaven Shores, Inc., of record in Instrument No. 20030422-0052855, dated February 27, 2003, said Register's Office.

The street addresses of Tract 1 and Tract 2 do not exist or are not in common use. The street address of Tract 3 is believed to be 7086 Hamilton Church Road, Antioch, TN 37013, but such address is not part of the legal description of the Property. In the event of any discrepancy, the legal description herein shall control.

To have and to hold the Property free from the statutory right of redemption, homestead, dower, and all other exemptions and marital rights, all of which are expressly waived in the Deed of Trust.

Grantee hereunder accepts title to the Property and all improvements thereon in an **AS IS, WHERE IS** condition, and without representation or warranty from Successor Trustee as to any matter whatsoever, and by accepting this Successor Trustee's Deed, Grantee represents and warrants that it has conducted its own due diligences with regard to the Property and matters of title related to the Property, and represents and warrants that it has not relied on any statement or action made by Successor Trustee. Without limiting the foregoing, **SUCCESSOR TRUSTEE DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ADDITIONALLY, SUCCESSOR TRUSTEE DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES AS TO THE ABSENCE OR PRESENCE ON OR UNDER THE PROPERTY OF HAZARDOUS SUBSTANCES AS DEFINED BY ANY ENVIRONMENTAL LAWS, INCLUDING WITHOUT LIMITATION THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT ("CERCLA") OR SIMILAR FEDERAL AND STATE LEGISLATION (COLLECTIVELY, THE "ENVIRONMENTAL LAWS").** Grantee accepts title to the Property subject to any problems arising in connection with the Property and/or the improvements located thereon, including without limitation problems arising out of or in connection with deterioration of any improvements thereon, violations of the Environmental Laws, and potential flood hazards. By accepting this Successor Trustee's Deed, Grantee agrees to indemnify and hold the Successor Trustee harmless from any and all costs, expenses, and liability, including without limitation attorney fees, arising out of or in connection with any of the foregoing.

This conveyance may be subject to easements, restrictions, liens, taxes, etc., including, but not limited to, the items set forth below, but only to the extent any of such matters take priority over the Deed of Trust. To the extent such matters do take priority over the Deed of Trust under applicable law, this conveyance is subject to them, and to the extent such matters do not, the Property does not remain subject to them:

(1) Unpaid property taxes, penalties, interest, costs, and other obligations to the Metropolitan Government of Nashville and Davidson County.

(2) Quitclaim Deed to Gary B. Fisher and wife, Brenda J. Fisher, one-third interest, and Global Development, Inc., two-thirds interest, of record as Instrument No. 20030422-0052855, Register's Office.

(3) Tennessee Department of Revenue State Tax Lien of record as Instrument No. 20090527-0048571, Register's Office.

WITNESS the signature of the Successor Trustee on this the day and date first above written.

Robt C. Goodrich

ROBERT C. GOODRICH JR.,
SUCCESSOR TRUSTEE

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, Kathleen Patti Snow, a Notary Public of the State and County aforesaid, personally appeared Robert C. Goodrich Jr., 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 Successor Trustee, and that he as such Successor Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing his name as Successor Trustee.

Witness my hand and seal, at Office, this 21st day of June, 2010.

Kathleen Patti Snow

Notary Public
My commission expires:

KATHLEEN PATTI SNOW
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

MY COMMISSION EXPIRES:
NOVEMBER 4, 2013

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is Five Hundred Ninety-Four Thousand and No/100 Dollars ($594,000.00).

Affiant

Subscribed and sworn to before me
this the 21st day of June, 2010.

Notary Public
My commission expires:

KATHLEEN PATTERSON SNOW
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: NOVEMBER 4, 2013