BILL GARRETT, Davidson County
Trans:T20110001478 DEEDWARRSP
Recvd: 01/06/11 16:12 5 pgs
Fees:28.00 Taxes:24050.00
20110106-0001986

STATE OF ~~TENNESSEE~~ GEORGIA
COUNTY OF GWINNETT

THE ACTUAL CONSIDERATION OR VALUE WHICHEVER IS GREATER, FOR THE TRANSACTION IS $6,500,000.00

Ann Davidson

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

Linda Ann Bourlace
NOTARY PUBLIC

MY COMMISSION EXPIRES: 4-1-12

LINDA ANN BOURLACE NOTARY PUBLIC GWINNETT COUNTY, GEORGIA EXPIRES GEORGIA APRIL 01, 2012

SPECIAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY AND RETURN TO:		
Christopher C. Lamberson Glankler Brown, PLLC 6000 Poplar Avenue, Ste. 400 Memphis, TN 38119		
ADDRESS NEW OWNER(S) AS FOLLOWS: Duke Realty Melrose Avenue, LLC Attn: Nashville Market – V.P. Asset Mgmt. & Customer Service 782 Melrose Avenue Nashville, TN 37211	SEND TAX BILLS TO NEW OWNER AT: Duke Realty Melrose Avenue, LLC c/o Real Estate Tax Advisors LLC Post Office Box 40509 Indianapolis, IN 46290	MAP PARCEL NUMBER: Map 188-8, Parcel 259

FOR AND IN 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, Schaefer, LLC, a Tennessee limited liability company, hereinafter called the **GRANTOR**, has bargained and sold, and by these presents does transfer and convey unto Duke Realty Melrose Avenue, LLC, a Delaware limited liability company, hereinafter called the **GRANTEE,** its successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described in Exhibit A attached hereto and made a part hereof.

BEING the same property conveyed to Schaefer, LLC, by General Warranty Deed of record in Book 10212, Page 609, less and except the property conveyed to Melrose Properties, LLC, a Tennessee limited liability company, by Special Warranty Deed of record in Book 11134, Page 299, both in the Register's Office for Davidson County, Tennessee.

This conveyance is subject to the Permitted Exceptions attached hereto as Exhibit B and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR does covenant with the said GRANTEE that GRANTOR is lawfully

seized and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, except for those encumbrances set forth on Exhibit B attached hereto and made a part hereof, and GRANTOR does further covenant and bind itself, its heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under GRANTOR, but not further or otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any genders shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by and through its duly authorized officers the day and year first above written.

Schaefer, LLC,
a Tennessee limited liability company,

By: _____
W. Mark Schaefer, Secretary

STATE OF TENNESSEE;
COUNTY OF SHELBY:

Before me, a Notary Public of the state and county mentioned, personally appeared W. Mark Schaefer, 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 Secretary of Schaefer, LLC, the within named bargainor, a Tennessee limited liability company, and that, as such officer, he executed the foregoing instrument for the purposes herein contained, by signing the name of the corporation by himself as Secretary.

Witness my hand and official seal at office this 21 day of December, 2010.

My Commission Expires:
Jan. 6, 2014

Mrs. Mary Ellen Shepard
Notary Public

MARY ELLEN SHEPHARD
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires JAN. 6, 2014

EXHIBIT A

LEGAL DESCRIPTION OF LAND

Land situated in Davidson County, Tennessee:

PARCEL I:

Land lying in the City of Berry Hill, First Civil District, Seventeenth Councilman District, Davidson County, Tennessee, located on the southerly side Melrose Avenue extended and being Lot No. 3 as shown on the plan of Four-Forty Center as of Record in Book 7900, Page 775, R.O.D.C., and being more particularly described as follows:

Beginning at an iron pin in the southerly right-of-way line Melrose Avenue extended, said pin being located 1,668 feet, more or less, in an easterly direction from the centerline of Bransford Avenue as measured along the southerly right-of-way line of said Melrose Avenue, said pin also being the northwesterly corner of the herein described parcel: thence with the southerly right-of-way line of Melrose Avenue extended and a curve to the left, said curve having a central angle of 37°12'39", a radius of 630.00, an arc length of 409.15 feet, a tangent of 212.08 feet, and a chord bearing South 82° 52'44" East, 402.00 feet to a concrete monument; thence with said line North 78°30'55" East 136.39 feet to a concrete monument; thence with said line and a curve to the right, said curve having a central angle of 34°01'06", a radius of 570.00 feet, an arc length of 338.43 feet, a tangent of 174.37 feet, and a chord bearing South 84°28'34" East, 333.48 feet to a concrete monument; thence with said line South 67°28'02" East, 106.80 feet to a concrete monument; thence with said line and a curve to the left, said curve having a central angle of 16°47'08"; a radius of 730.00 feet, an arc length of 213.86 feet, a tangent of 107.70 feet, and a chord bearing South 75°51'36" East, 213.10 feet to a concrete monument; thence with said line and a curve to the right, said curve having a central angle of 80°04'54", a radius of 35.00 feet, an arc length of 48.92 feet, a tangent of 29.41 feet and a chord bearing South 44°12'22" East, 45.03 feet to a concrete monument in the northern line of Woodlawn Memorial Park as of Record in Book 3910, Page 656, R.O.D.C.; thence leaving said right-of-way line with said northerly line of Woodlawn Memorial Park North 77°52'11" West, 95.31 feet to an iron pin; thence with said line North 73°04'55" West, 356.96 feet to an iron pin, said iron pin being in the westerly line of said Woodlawn Memorial Park; thence with said westerly line South 15°12'56" West, 265.48 feet to an iron pin; thence with said line South 21°07'30" West, 377.81 feet to an iron pin; thence with said line and a curve to the right, said curve having a central angle of 89°07'03", a radius of 75.00 feet, a tangent of 73.85 feet, an arc length of 116.65 feet and a chord bearing South 65°32'52" West, 105.25 feet to an iron pin, said pin also being in the northerly line of Woodlawn Memorial Park thence with said northerly line North 69°02'59" West, 759.05 feet to an iron pin; thence leaving said northerly line of Woodlawn Memorial Park with the easterly line of Lot No. 4 as shown on the plan of Four-Forty Center as of Record in Book 7900, Page 775, R.O.D.C.; North 19°57'15" East, 143.76 feet to an iron pin; thence with said line and a curve to the right, said curve having a central angle of 21°20'04" a radius of 75.00 feet, a tangent of 14.24 feet, an arc length of 28.14 feet and an chord bearing North 30°42'15" East, 27.98 feet to an iron pin;

thence with said line North 41°27'15" East, 107.42 feet to an iron pin; thence with said line and a curve to the left, said curve having a central angle of 15°43'43", a radius of 350.00 feet, an arc length of 96.08 feet, a tangent of 48.34 feet and a chord bearing North 33°35'25" East, 95.78 feet to an iron pin; thence with said line North 25°43'34" East, 130.33 feet to the point of beginning and containing 484,822 square feet or 11.13 acres, more or less, as surveyed by IDE Associates August 1996.

LESS AND EXCEPT:
That portion of said property previously conveyed to Melrose Properties, LLC, a Tennessee limited liability company by Special Warranty Deed of record in Book 11134, Page 299 in said Register's Office, more particularly described as follows:

Beginning at an iron rod situated in the southerly margin of Melrose Avenue. said point being the northwest corner of lot two as shown on the Resubdivision of Lot 3 Four-Forty Center of record in Plat Book 9700, Page 725 in the Register's Office for Davidson County, Tennessee.
Thence, with said road and around a curve to the left having a central angle of 08deg08min12sec. a radius of 630.00 feet a length of 89.47 feet, a chord which bears N 82deg34min53sec E for a distance of 89.39 feet to an iron rod;
Thence, N 78deg30min55sec E, a distance of 136.37 feet to an iron rod;
Thence, around a curve to the right having a central angle of 34deg0lmin07sec, a radius of 570.00 feet, a length of 338.43 feet, a chord which bears S 84deg28min34sec E for a distance of 333.48 feet to an iron rod;
Thence, S 67deg28min02sec E, a distance of 106.80 feet to an iron rod;
Thence, around a curve to the left having a central angle of 16deg47min08sec, a radius of 730.00 feet, a length of 213.86 feet, a chord which bears S 75deg51min36sec E for a distance of 213.10 feet to an iron rod;
Thence, around a curve to the right having a central angle of 80deg04min28sec, a radius of 35.00 feet, a length of 48.91 feet, a chord which bears S 44degl2min22sec E for a distance of 45.03 feet to an iron rod in the westerly margin of Felts Avenue;
Thence, leaving said road, N 73deg04min55sec W, a distance of 356.96 feet to an iron rod;
Thence, S 15deg12min56sec W, a distance of 199.74 feet to an iron rod;
Thence, N 74deg05minl5sec W, a distance of 433.41 feet to an iron rod;
Thence, N 10deg43min42sec E, a distance of 69.90 feet to the point of beginning and containing 82,730.721 S.F. or 1.899 acres of land more or less.

PARCEL II:

Together with all rights in and to the Declaration And Grant Of Joint Ingress And Egress Easements filed of record in Book 10212, Page 646 in the Register's Office of Davidson County, Tennessee.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Cities of Berryhill and Nashville and Davidson County taxes for the year 2011, and all subsequent years, the amounts of which are not yet ascertainable, due or payable.

2. Any tax or assessment not posted on the records of the taxing authority(ies) of which the Land described in Exhibit A hereof is subject, including but not limited to: Supplemental, Revised, and/or Corrective Assessments pursuant to Tennessee Code Annotated Section 67-5-603, et seq; Back Assessments pursuant to T.C.A. Section 67-1-1001, et seq., not yet due or payable.

3. Acreage content of the property conveyed herein is left in the description of the tracts merely for convenience in identifying the tracts, and is not warranted.

4. Restrictive covenants and easements of record in Resubdivision of Lot 3, Four-Forty Subdivision, of record in Plat Book 9700, Page 725 in the records of the Register's Office of Davidson County, Tennessee, as to Parcel I.

5. Building lines and easements of record in Plat Book 7900, Page 775 in said Register's Office, as to Parcel II.

6. Obligations and restrictions set forth in Declaration And Grant Of Joint Ingress And Egress Easement filed of record in Book 10212, Page 646, amended by Consent Of Mortgagees of record in Book 10340, Pages 738 and 743, all in the Register's Office.

7. Deed restrictions contained in Special Warranty Deed of record in Book 8048, Page 353 of said Register's records.

8. Declaration Of Restrictive Covenants of record in Book 10212, Page 614, in said Register's records.

9. Public utility easements, of variable width and fifteen (15) feet in width, as shown on plat of record in Plat Book 9700, Page 725 of said Register's records.

10. Sanitary sewer and public utility easements, of variable width and twenty (20) feet in width, as shown on plat of record in Plat Book 9700, Page 725 of said Register's records.

11. Rights of others in and to the use of Parcel II.

12. (i) Deed Of Trust, Assignment Of Leases, Rents And Contracts, Security Agreement And Fixture Filing in favor of Allstate Life Insurance Company, and recorded at Document No. 20010904-0095324 and (ii) Assignment Of Leases And Rents in favor of Allstate Life Insurance Company, and recorded at Document No. 20010904-0095325, both being assigned to, and assumed by Grantee by instrument of even date herewith, all filed in said Register's records.