Return to:

Fidelity National Title Group
6840 Carothers Parkway
Suite 200
Franklin, Tennessee 37067

WARRANTY DEED

THIS INDENTURE, made and entered into this May 9, 2011, by and between Nashville Commons LP, a limited partnership organized and existing under and by virtue of the laws of the State of Pennsylvania, party of the first part, and Cocca Properties 13 LLC, a limited liability company organized and existing under and by virtue of the laws of the State of Ohio, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Davidson, State of Tennessee and more fully described in Exhibits A and B, attached and incorporated by this reference.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, or successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that except for the "Permitted Encumbrances" listed on Exhibit C, the same is unencumbered, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

Whenever the word "party" is used herein, it shall mean "parties" if there are more than one person referred to and whenever pronouns occur herein, they shall be construed according to their proper gender and number according to the context of this instrument.

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its duly authorized officers this May 9, 2011.

NASHVILLE COMMONS, LP
A Pennsylvania limited partnership

By: Nashville Gen/Par, LLC, a
Pennsylvania limited liability company
Its: General Partner

By: _____
George D. Zamias, its Managing Member

BILL GARRETT, Davidson County
Trans:T20110031014 DEEDWARR
Recvd: 05/25/11 09:24 7 pgs
Fees:38.00 Taxes:3330.00
20110525-0039909

This instrument prepared by:
William A. Myers
Penn-Ohio Title LLC
100 DeBartolo Place, Suite 375
Boardman OH 44512

COMMONWEALTH OF PENNSYLVANIA }
}SS:
COUNTY OF CAMBRIA }

Before me, the undersigned Notary Public in the State and County aforesaid, personally appeared George D. Zamias, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Managing Member of Nashville Gen/Par LLC, the General Partner of Nashville Commons LP, the within named bargainor, a limited partnership, and that he as such managing member of the general partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited partnership by as such managing member of the general partner.

WITNESS my hand and Official Seal at office this May 9, 2011.

Melinda L Harrison
Notary Public

My commission expires June 28, 2012

Commonwealth of Pennsylvania
NOTARIAL SEAL
Melinda L. Harrison, Notary Public
Johnstown, Cambria County, PA
My Commission Expires June 28, 2012

OATH OF CONSIDERATION

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is $900,000, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

George D. Zamias

Subscribed ad sworn to before me this May 9, 2011.

Notary Public

My commission expires June 28, 2012

Commonwealth of Pennsylvania
NOTARIAL SEAL
Melinda L. Harrison, Notary Public
Johnstown, Cambria County, PA
My Commission Expires June 28, 2012

DERIVATION

Being part of the same property conveyed to Nashville Commons, LP, a Pennsylvania limited partnership by deeds of record as Instrument No. 2007-04050041299 2007-04050041300 2007-04050041301 2007-04050041302 2007-04050041303 2007-04050041304 2007-04050041305 2007-04050041306 2007-04050041307 2007-04050041308 2007-04050041309 2007-04050041310 in the Register's Office for Davidson County, Tennessee, recorded April 5, 2007.

Parcel Identification No. 50-12 A 7.00 CO

Property address 3460 Dickerson Pike, Suite 101, Nashville TN 37027

New owner:
Mail tax bills to:
Cocca Properties 13 LLC
100 DeBartolo Place, Suite 400
Boardman OH 44512

EXHIBIT A

Cocca Parcel Legal Description

A parcel of land in the 3rd Councilmanic District of Davidson County, Tennessee and being Lot 2 on the of the "Final Plat of the Re-Subdivision of Lot 2-A Nashville, Commons, First Revision" , which is of record in Instrument No. 20100521-0039251 in the Register's Office for said County.
Said lot is more particularly described as follows as per survey of Gresham Smith & Partners, Kenneth D. Church, TN No. 1004, as follows:

Beginning at an iron rod new with Gresham Smith and Partners (GS&P) Cap being the northeast corner with Lot 1 on the "Final Plat of the Nashville Commons, First Revision" which plat is of record in Instrument No. 20080228-0019514 and on the western line of Lot 1 on the of the "Final Plat of the Re-Subdivision of Lot 2-A Nashville, Commons, First Revision", which is of record in Instrument No. 20100521-0039251 in the Register's Office thence leaving the line of Lot 1 "Final Plat of the Re-Subdivision of Lot 2-A Nashville, Commons, First Revision" with the line of Lot 1 "Final Plat of the Nashville Commons, First Revision" the following four (4) calls and distances

1. North 73 Degrees 19 Minutes 36 Seconds West for 473.76 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

2. South 16 Degrees 40 Minutes 23 Seconds West for 102.55 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

3. North 73 Degrees 19 Minutes 37 Seconds West for 292.25 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

4. North 16 Degrees 40 Minutes 33 Seconds East for 73.00 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap the common corner with Lot 2C and 2B on the "Final Plat of the Nashville Commons, First Revision" which plat is of record in Instrument No. 20080228-0019514;

Thence leaving the line of Lot 1 "Final Plat of the Nashville Commons, First Revision" with the line of 2B on the "Final Plat of the Nashville Commons, First Revision" the following six (6) calls and distances;

1. South 73 Degrees 25 Minutes 00 Seconds East for 126.22 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

2. North 16 Degrees 42 Minutes 17 Seconds East for 53.57 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

3. North 40 Degrees 25 Minutes 05 Seconds East for 18.61 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

4. South 73 Degrees 17 Minutes 44 Seconds East for 243.61 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

5. North 51 Degrees 24 Minutes 53 Seconds East for 20.75 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

6. South 73 Degrees 17 Minutes 43 Seconds East for 377.45 feet to a iron rod new with Gresham Smith and Partners (GS&P) Cap,

Thence leaving the line of Lot 2B "Final Plat of the Nashville Commons, First Revision" with the line of line of Lot 1 on the of the "Final Plat of the Re-Subdivision of Lot 2-A Nashville, Commons, First Revision", South 17 Degrees 17 Minutes 03 Seconds West for 57.96 feet to the point of beginning.

The described parcel contains 59,015 square feet more or less or 1.35 acres more or less according to the survey of Kenneth D. Church, R.L.S. Number 1004, of Gresham Smith and Partners, 1400 Nashville City Center, 511 Union Street, Nashville, TN 37219.

EXHIBIT B

Appurtenant Easements

Amended and Restated Easements with Covenants and Restrictions Affecting Land among Nashville Commons LP, Wal-Mart Real Estate Business Trust (successor-in-interest to Wal-Mart Stores East, L.P.) and Lowe's Home Centers, Inc. dated April 15, 2008, and recorded April 24, 2008, as Instrument No. 20080424-0041925; as amended by First Amendment to Amended and Restated Easements with Covenants and Restrictions Affecting Land dated April 28 2010 and recorded April 29, 2011 as Instrument No. 20110429-0032806; and Second Amendment to Amended and Restated Easements with Covenants and Restrictions Affecting Land dated May 18, 2011 to be recorded immediately prior to the recordation of this Warranty Deed.

EXHIBIT C

Permitted Encumbrances

1. Amended and Restated Easements with Covenants and Restrictions Affecting Land among Nashville Commons LP, Wal-Mart Real Estate Business Trust (successor-in-interest to Wal-Mart Stores East, L.P.) and Lowe's Home Centers, Inc. dated April 15, 2008, and recorded April 24, 2008, as Instrument No. 20080424-0041925; as amended by First Amendment to Amended and Restated Easements with Covenants and Restrictions Affecting Land dated April 28, 2010 and recorded April 29, 2011 as Instrument No. 20110429-0032806 and Second Amendment to Amended and Restated Easements with Covenants and Restrictions Affecting Land dated May 18, 2011 to be recorded immediately prior to the recordation of this Warranty Deed.

2. All matters shown on the Plan of Re-Subdivision of Lot 2A, Nashville Commons, First Revision of record in Instrument Number 20100521-0039251, amending Plat of record in Instrument Number 20080228-0019514 and Plat in Instrument Number 20070404-0040461, in the Register's Office for Davidson County, Tennessee

3. Lack of direct access to and from controlled access highway.

4. All of the following matters, as shown on the survey by Jason Moseley, TN RLS # 2644, of Gresham, Smith and Partners, dated February 18, 2011, job no. 28248;

    (a). Private Ingress/Egress Easement
    (b). 15' Private Ingress/Egress Easement
    (c). 20' Drainage Easement
    (d). Previous Pavement Easement
    (e). Sanitary Sewer Easement
    (f). Public Utility Easement
    (g). All underground utilities including water, gas, sewer and electric
    (h). Utility Stubouts
    (i). Water Valve
    (j). Fire Hydrant
    11. Catch Basins
    12. Light Poles