This instrument prepared by:
Joseph J. Jensen
Stites & Harbison, PLLC
604 West Main Street
Franklin, Tennessee 37064

BILL GARRETT, Davidson County
Trans:T20120007033 DEEDTRS
Recvd: 01/30/12 13:37 14 pgs
Fees:73.00 Taxes:15062.37
20120130-0008322

Address New Owner:	Send Tax Bills To:	Map/Parcel:
Community South Bank P. O. Box 1680 Spring Hill, Tennessee 37174	Same	102-00-0-088.00 102-00-0-017.00

SUCCESSOR TRUSTEE'S DEED

This Successor Trustee's Deed is made and entered into on this the 19th day of January, 2012, by Joseph J. Jensen, Successor Trustee ("Successor Trustee").

WHEREAS, Alpha, LLC ("Grantor"), by that certain Deed of Trust, dated May 30, 2008, recorded at Instrument No. 20080602-0056081 in the Office of the Register of Deeds for Davidson County, Tennessee (the "Deed of Trust"), conveyed to Gerald G. Patterson, Trustee, two parcels of the Property (as hereinafter defined) to secure the payment of certain indebtedness described in the Deed of Trust (the "Indebtedness"), which Indebtedness is presently held and owned by Community South Bank (the "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, Lender appointed Thomas H. Dickenson to serve as Successor Trustee in place of Gerald G. Patterson in accordance with the terms of the Deed of Trust, by that instrument recorded at Instrument No. 20100709-0053947, said Register's Office; and

WHEREAS, Lender appointed Joseph J. Jensen to serve as Successor Trustee in place of Thomas H. Dickenson in accordance with the terms of the Deed of Trust, by that instrument recorded at Instrument No. 20110307-0018042, said 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 on January 19, 2012, at 11:00 a.m. prevailing Central Time, outside the entrance of the Office of the Davidson County Register of Deeds, located at Bridgestone Arena, 501 Broadway, Nashville, Davidson County, Tennessee, such Notice of

Successor Trustee's Sale appearing in said paper on December 26, 2011, January 2, 2012 and January 9, 2012; and

WHEREAS, the Successor Trustee further sent a copy of the Notice of Successor Trustee's Sale to Grantor, and following the appearance of the Notice of Successor Trustee's Sale in said newspaper the default was not cured; and

WHEREAS, the Successor Trustee at the time, place and date specified in the Notice of Successor Trustee's Sale offered the Property for sale, and after opening the floor for competitive bids, sold the Property to Community South Bank, at the price of Four Million Seventy Thousand Nine Hundred Ten and 90/100 Dollars ($4,070,910.90), this being the highest, last and best bid.

NOW, THEREFORE, I, Joseph J. Jensen, Successor Trustee as aforesaid, in consideration of the premises and the sum of Four Million Seventy Thousand Nine Hundred Ten and 90/100 Dollars ($4,070,910.90), to me in hand paid, the receipt of which is hereby acknowledged, by these presents do transfer and convey unto Community South Bank, its successors and assigns (the "Grantee") all of my right, title and interest in and to the following described real estate, together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, 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, if any, but no further or otherwise, located in Davidson County, Tennessee (collectively, the "Property"), and more particularly described as follows, to wit:

Tract One (Map 102-88)

Being land in Nashville, Davidson County, Tennessee, and also being the land conveyed to James W. McClendon as of record in Deed Book 11163, Page 379, and R.O.D.C., being generally located north of Charlotte Pike (U.S. Highway 70) and north of Interstate 40, and being more particularly described as follows: commencing at an existing concrete monument on the northerly right-of-way of Charlotte Pike (U.S. Hwy 70), said concrete monument also being the southern corner of Lester W. Lambeth as of record in Deed Book 9827, Page 343; thence, with the northerly right-of-way of Charlotte Pike and southerly line of said Lester W. Lambeth, north 77 degrees 49 minutes 47 seconds west for a distance of 101.79 to a point, said point being the southeast corner of Welton Investment, LLC, as of record in Deed Book 10903, Page 271; thence continuing with the northerly right-of-way of Charlotte Pike and the southerly line of Welton Investment, LLC, north 77 degrees 49 minutes 47 seconds west for a distance of 200.00 feet to an iron pin set, said point being the southwest corner of Welton Investment, LLC, and being the point of beginning; thence, continuing with the northerly right-of-way of Charlotte Pike and the southerly line of said James W. McClendon, south 75 degrees 34 minutes 33 seconds west for a distance of 129.79 feet to an iron pin set, said iron pin being the southeast corner of West Harpeth Funeral Home, LLC, as of record in Deed Book 10132, Page 543; thence, leaving said northerly right-of-way and running along the easterly line of West Harpeth Funeral Home, LLC, for the following calls: north 19 degrees 28

minutes 13 seconds west for a distance of 96.96 feet to an iron pin set; north 13 degrees 37 minutes 07 seconds west for a distance of 204.28 feet to an iron pin set, said iron pin being the northeast corner of said West Harpeth Funeral Home, LLC; thence, with the northerly line of said West Harpeth Funeral Home, LLC, south 76 degrees 14 minutes 55 seconds west for a distance of 135.07 feet to an existing iron pin, said iron pin being the northwest corner of said West Harpeth Funeral Home, LLC, said iron pin also falling on the easterly line of adjoining property, also owned by West Harpeth Funeral Home, LLC, as of record in Deed Book 9527, Page 634; thence, with the easterly line of West Harpeth Funeral Home, LLC, North 13 degrees 38 minutes 18 seconds west for a distance of 100.11 feet to an iron pin set; thence, with the northerly line of West Harpeth Funeral Home, LLC, south 76 degrees 21 minutes 42 seconds west for a distance of 162.09 feet to an iron pin set, said iron pin falling on the easterly line of Metro Government Brookmeade as of record in Deed Book 2001051500, Page 50282; thence, running along the easterly line of said Metro Government Brookmeade the following calls: north 02 degrees 26 minutes 39 seconds west for a distance of 1469.40 feet to an iron pin set; north 02 degrees 25 minutes 52 seconds west for a distance of 39.49 feet to a point falling in the Cumberland River; thence, with the Cumberland River north 65 degrees 31 minutes 26 seconds east for a distance of 60.31 feet to a point at the mouth of Davidson Branch; thence with the meanders of said Davidson Branch the following calls: south 58 degrees 24 minutes 56 seconds east for a distance of 200.00 feet to a point; south 37 degrees 50 minutes 19 seconds east for a distance of 175.00 feet to a point; south 20 degrees 38 minutes 55 seconds east for a distance of 195.52 feet to a point; south 56 degrees 07 minutes 23 seconds east for a distance of 93.03 feet to a point; south 08 degrees 59 minutes 05 seconds east for a distance of 134.80 feet to a point; south 31 degrees 43 minutes 07 seconds east for a distance of 103.50 feet to a point; south 00 degrees 48 minutes 22 seconds east for a distance of 44.80 feet to a point; south 30 degrees 06 minutes 07 seconds west for a distance of 39.48 feet to a point; south 44 degrees 04 minutes 22 seconds west for a distance of 73.95 feet to a point; south 18 degrees 49 minutes 29 seconds west for a distance of 64.12 feet to a point; south 28 degrees 02 minutes 48 seconds east for a distance of 218.80 feet to a concrete monument on the northerly line of Sunrise Motel, Inc., as of record in Deed Book 20011206, Page 134658; thence, with the lines of Sunrise Motel, Inc., the following calls: south 35 degrees 55 minutes 34 seconds west for a distance of 111.48 feet to A; south 18 degrees 10 minutes 35 seconds west for a distance of 100.00 feet to A; south 03 degrees 16 minutes 35 seconds west for a distance of 260.00 feet to A; south 21 degrees 46 minutes 25 seconds east for a distance of 200.00 feet to A; south 28 degrees 03 minutes 59 seconds east for a distance of 115.21 feet to the point of beginning, together with and subject to covenants, easements, and restrictions of record. Said property contains 15.05 acres more or less, according to a survey by land design surveying, dated December 5, 2002, Job No. 4201037.

Tract Two (Map 102-17)

Being land in Nashville, Davidson County, Tennessee, and also being the land conveyed to James W. McClendon as of record in Deed Book 11163, Page 379, and R.O.D.C., being generally located north of Charlotte Pike (U.S. Highway 70) and north of Interstate 40 and being more particularly described as follows: beginning at an existing iron pin at the southeast corner of Sunrise Motel, Inc., as of record in Deed Book 20011206, Page 134658; thence with the easterly line of said Sunrise Motel, Inc., the following calls: north 32 degrees 42 minutes 37 seconds west for a distance of 200.28 feet to a set iron pin; north 36 degrees 19 minutes 25 seconds west for a distance of 451.40 feet to a concrete monument; thence, leaving the lines of said Sunrise Motel, Inc., north 28 degrees 02 minutes 48 seconds west for a distance 218.80 feet to a point in the Davidson Branch; thence, with the Meanders of Davidson Branch the following calls: north 18 degrees 49 minutes 29 seconds east for a distance of 64.12 feet to a point; north 44 degrees 04 minutes 22 seconds east for a distance of 73.95 feet to a point; north 30 degrees 06 minutes 07 seconds east for a distance of 39.48 feet to a point; north 00 degrees 48 minutes 22 seconds west for a distance of 44.80 feet to a point; north 31 degrees 43 minutes 07 seconds west for a distance of 103.50 feet to a point; north 08 degrees 59 minutes 05 seconds west for a distance of 134.80 feet to a point; north 56 degrees 07 minutes 23 seconds west for a distance of 93.03 feet to a point; north 20 degrees 38 minutes 55 seconds west for a distance of 195.52 feet to a point; north 37 degrees 50 minutes 19 seconds west for a distance of 175.00 feet to a point; north 58 degrees 24 minutes 56 seconds west for a distance of 200.00 feet to a point; thence, leaving said Davidson Branch north 65 degrees 31 minutes 26 seconds east for a distance of 116.87 feet to a set iron pin on the northerly line of the herein described land; thence with said northerly line north 65 degrees 34 minutes 26 seconds east for a distance of 270.51 feet to a set iron pin at the northwest corner of Mary N. Ganier, as of record in Deed Book 6051, Page 883; thence, with the westerly line of said Mary N. Ganier for the following calls: south 16 degrees 52 minutes 29 seconds east for a distance of 256.00 feet to an iron pin set; south 12 degrees 37 minutes 30 seconds east for a distance of 198.00 feet to an iron pin set; south 19 degrees 37 minutes 30 seconds east for a distance of 346.50 feet to a 30" oak; south 23 degrees 37 minutes 30 seconds east for a distance of 346.50 feet to an iron pin set; south 35 degrees 59 minutes 26 seconds east for a distance of 264.00 feet to an iron pin set; south 34 degrees 29 minutes 32 seconds east for a distance of 151.16 feet to an iron pin set, said iron pin being the southwest corner of said Mary N. Ganier, and landing on the northerly right-of-way of Cabot Drive; thence, with the northerly right-of-way of Cabot Drive for the following calls: south 40 degrees 18 minutes 37 seconds west for a distance of 25.00 feet to an iron pin set; south 04 degrees 21 minutes 56 seconds west for a distance of 281.74 feet to an iron pin set; south 36 degrees 21 minutes 02 seconds west for a distance of 70.93 feet to an existing iron pin, said iron pin being the southeast corner of Sunrise Motel, Inc., also being the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.88 acres more or less, according to a survey by Land Designing Surveying, dated December 5, 2002, Job No. 4201037.

Being the same property conveyed to Alpha, L.L.C., a Tennessee limited liability company, by Warranty Deed from SFB Investment Company, LLLP, a Florida limited liability limited partnership, dated May 30, 2008, as of record in Instrument No. 20080602-0056080, Register's Office for Davidson County, Tennessee.

To have and to hold the Property, free of all rights which are expressly waived in the Deed of Trust, as provided in, but only to the extent provided in, said 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 diligence 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 the 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 attorneys' fees, arising out of or in connection with any of the foregoing.

Grantee hereunder accepts title to the Property and all improvements thereon subject to any and all unpaid real estate taxes, restrictive covenants, easements and setback lines; any and all redemption rights, including rights of redemption of any governmental agency, State or Federal, and any and all other prior liens or encumbrances against said real property.

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

Joseph J. Jensen, Successor Trustee

STATE OF TENNESSEE)
COUNTY OF Davidson)

Before me, Bridget T. Bennington, a Notary Public of the State and County aforesaid, personally appeared Joseph J. Jensen, 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, this 26th day of January, 2012.

Bridget T. Bennington
Notary Public

My commission expires: 7-7-14

BRIDGET T. BENNINGTON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES: JULY 7, 2014

STATE OF TENNESSEE)
COUNTY OF Williamson)

The actual consideration or value, whichever is greater, for this transfer is Four Million Seventy Thousand Nine Hundred Ten and 90/100 Dollars ($4,070,910.90).

Affiant

Subscribed and sworn to before me this the 19th day of January, 2012.

Marcia L Carroll
Notary Public

My commission expires: 10-18-2015

MARCIA L. CARROLL
STATE OF TENNESSEE NOTARY PUBLIC
MAURY COUNTY, TENN.

DEC 2 9 2011

STATE OF TENNESSEE
DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT DIVISION
ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37242

December 22, 2011

Paul Allen England
Stites & Haribson, PLLC
Sun Trust Plaza
401 Commerce Street, Suite 800
Nashville, TN 37219

Re: Foreclosure Sale of Property Owned by: **Alpha, LLC**
Entity Number: **001 20-2834956/000**

This is in reference to your letter dated December 19, 2011 concerning a foreclosure sale of property owned by the above-captioned taxpayer(s).

Your letter **does** comply with the provisions of T.C.A. § 67-1-1401 et. seq., but if the sale produces more than the amount needed to satisfy the cost of the sale, the indebtedness indicated in your letter, and any other superior liens, the amount of surplus proceeds up to the amount of taxes, penalties and interest due the Department of Revenue must be remitted to the State of Tennessee. Excess proceeds, if any, should be sent to the attention of the Special Procedures Unit at P.O. box 190665 Nashville, TN 37219-0665. The amount of taxes, penalties and interest that is due as of **January 19, 2012** is **$41,685.45**. *(Please be advised that if the scheduled sale is cancelled or postponed for any reason, notice must be submitted in writing if the sale is to be continued).*

After the sale, (and within 15 days), please furnish me with **an accounting of the sale** (form enclosed), and I will release the State's tax lien on the property sold. If the sale is canceled, please advise this office with a brief explanation. I trust that this has answered your letter, but if not, please let me know.

Lien Desk 1
Special Procedures Section
Revenue Enforcement Division
Tennessee Department of Revenue

SP/bt
c: *file*

STITES & HARBISON PLLC
ATTORNEYS

COPY

SunTrust Plaza
401 Commerce Street
Suite 800
Nashville, TN 37219
(615) 782-2200
(615) 782-2371 Fax
www.stites.com

December 19, 2011

Paul Allen England
(615) 782-2262
(615) 742-0705 FAX
paul.england@stites.com

HAND DELIVERED

TENNESSEE DEPARTMENT OF REVENUE
Tax Enforcement Division
Andrew Jackson Building
500 Deaderick Avenue
Nashville, Tennessee 37242

RE: Tenn. Code Ann. §67-1-1433 Notice of Sale
Alpha, LLC
Entity ID: 20-2834956

Dear Tax Enforcement Division:

This firm represents Community South Bank which holds a deed of trust related to a promissory note executed by Alpha, LLC in the original principal amount of $3,750,000.00, dated May 30, 2008 (the "Note"). Said Note is secured by a deed of trust dated May 30, 2008 and recorded as Instrument Number 20080602-0056081 in the Register's Office for Davidson County, Tennessee (the "Deed of Trust"). The Note is in default and the default has not been cured. The holder of the Note, therefore, has declared the Note to be in default so that full payment of the Note is now required and has demanded that the property covered by the Deed of Trust securing the Note, and hereinafter described, be advertised and sold in satisfaction of said indebtedness and the costs of foreclosure. On December 8, 2011, Community South Bank was granted relief from the automatic stay in the United States Bankruptcy Court for the Middle District of Tennessee, Case No. 3:11-bk-03976.

It is my understanding that the Tennessee Department of Revenue has filed a Notice of State Tax Lien against the property of Alpha, LLC ("Alpha"). Therefore, this notice is being submitted to you pursuant to Tenn. Code Ann. §67-1-1433.

A. This notice is submitted by Stites & Harbison, PLLC, 401 Commerce Street, Suite 800, Nashville, Tennessee 37219, on behalf of Community South Bank.

B. The Tennessee Department of Revenue has filed a Notice of State Tax Lien ("State Tax Lien Notice") against Alpha, Entity ID# 20-2834956. The address of Alpha as shown on the State Tax Lien Notice is 2924 Glenway Drive, Nashville, Tennessee 37221-3016. The State Tax Lien Notice is dated July 29, 2010, and is of record as Instrument Number 20100802-0060203, said Register's Office. A copy of said State Tax Lien Notice is enclosed herewith for your convenience as Exhibit A.

C. The street address of the Property is believed to be 6950 Charlotte Pike, Nashville, Tennessee, said property being more particularly described as that certain real property situated in Davidson County, Tennessee, as follows (the "Property"):

Tract One (Map 102-88)

Being land in Nashville, Davidson County, Tennessee, and also being the land conveyed to James W. McClendon as of record in Deed Book 11163, Page 379, and R.O.D.C., being generally located north of Charlotte Pike (U.S. Highway 70) and north of Interstate 40, and being more particularly described as follows: commencing at an existing concrete monument on the northerly right-of-way of Charlotte Pike (U.S. Hwy 70), said concrete monument also being the southern corner of Lester W. Lambeth as of record in Deed Book 9827, Page 343; thence, with the northerly right-of-way of Charlotte Pike and southerly line of said Lester W. Lambeth, north 77 degrees 49 minutes 47 seconds west for a distance of 101.79 to a point, said point being the southeast corner of Welton Investment, LLC, as of record in Deed Book 10903, Page 271; thence continuing with the northerly right-of-way of Charlotte Pike and the southerly line of Welton Investment, LLC, north 77 degrees 49 minutes 47 seconds west for a distance of 200.00 feet to an iron pin set, said point being the southwest corner of Welton Investment, LLC, and being the point of beginning; thence, continuing with the northerly right-of-way of Charlotte Pike and the southerly line of said James W. McClendon, south 75 degrees 34 minutes 33 seconds west for a distance of 129.79 feet to an iron pin set, said iron pin being the southeast corner of West Harpeth Funeral Home, LLC, as of record in Deed Book 10132, Page 543; thence, leaving said northerly right-of-way and running along the easterly line of West Harpeth Funeral Home, LLC, for the following calls: north 19 degrees 28 minutes 13 seconds west for a distance of 96.96 feet to an iron pin set; north 13 degrees 37 minutes 07 seconds west for a distance of 204.28 feet to an iron pin set, said iron pin being the northeast corner of said West Harpeth Funeral Home, LLC; thence, with the northerly line of said West Harpeth Funeral Home, LLC, south 76 degrees 14 minutes 55 seconds west for a distance of 135.07 feet to an existing iron pin, said iron pin being the northwest corner of said West Harpeth Funeral Home, LLC, said iron pin also falling on the easterly line of adjoining property, also owned by West Harpeth Funeral Home, LLC, as of record in Deed Book 9527, Page 634; thence, with the easterly line of West Harpeth Funeral Home, LLC, North 13 degrees 38 minutes 18 seconds west for a distance of 100.11 feet to an iron pin set; thence, with the northerly line of West Harpeth Funeral Home,

LLC, south 76 degrees 21 minutes 42 seconds west for a distance of 162.09 feet to an iron pin set, said iron pin falling on the easterly line of Metro Government Brookmeade as of record in Deed Book 2001051500, Page 50282; thence, running along the easterly line of said Metro Government Brookmeade the following calls: north 02 degrees 26 minutes 39 seconds west for a distance of 1469.40 feet to an iron pin set; north 02 degrees 25 minutes 52 seconds west for a distance of 39.49 feet to a point falling in the Cumberland River; thence, with the Cumberland River north 65 degrees 31 minutes 26 seconds east for a distance of 60.31 feet to a point at the mouth of Davidson Branch; thence with the meanders of said Davidson Branch the following calls: south 58 degrees 24 minutes 56 seconds east for a distance of 200.00 feet to a point; south 37 degrees 50 minutes 19 seconds east for a distance of 175.00 feet to a point; south 20 degrees 38 minutes 55 seconds east for a distance of 195.52 feet to a point; south 56 degrees 07 minutes 23 seconds east for a distance of 93.03 feet to a point; south 08 degrees 59 minutes 05 seconds east for a distance of 134.80 feet to a point; south 31 degrees 43 minutes 07 seconds east for a distance of 103.50 feet to a point; south 00 degrees 48 minutes 22 seconds east for a distance of 44.80 feet to a point; south 30 degrees 06 minutes 07 seconds west for a distance of 39.48 feet to a point; south 44 degrees 04 minutes 22 seconds west for a distance of 73.95 feet to a point; south 18 degrees 49 minutes 29 seconds west for a distance of 64.12 feet to a point; south 28 degrees 02 minutes 48 seconds east for a distance of 218.80 feet to a concrete monument on the northerly line of Sunrise Motel, Inc., as of record in Deed Book 20011206, Page 134658; thence, with the lines of Sunrise Motel, Inc., the following calls: south 35 degrees 55 minutes 34 seconds west for a distance of 111.48 feet to A; south 18 degrees 10 minutes 35 seconds west for a distance of 100.00 feet to A; south 03 degrees 16 minutes 35 seconds west for a distance of 260.00 feet to A; south 21 degrees 46 minutes 25 seconds east for a distance of 200.00 feet to A; south 28 degrees 03 minutes 59 seconds east for a distance of 115.21 feet to the point of beginning, together with and subject to covenants, easements, and restrictions of record. Said property contains 15.05 acres more or less, according to a survey by land design surveying, dated December 5, 2002, Job No. 4201037.

Tract Two (Map 102-17)

Being land in Nashville, Davidson County, Tennessee, and also being the land conveyed to James W. McClendon as of record in Deed Book 11163,

Page 379, and R.O.D.C., being generally located north of Charlotte Pike (U.S. Highway 70) and north of Interstate 40 and being more particularly described as follows: beginning at an existing iron pin at the southeast corner of Sunrise Motel, Inc., as of record in Deed Book 20011206, Page 134658; thence with the easterly line of said Sunrise Motel, Inc., the following calls: north 32 degrees 42 minutes 37 seconds west for a distance of 200.28 feet to a set iron pin; north 36 degrees 19 minutes 25 seconds west for a distance of 451.40 feet to a concrete monument; thence, leaving the lines of said Sunrise Motel, Inc., north 28 degrees 02 minutes 48 seconds west for a distance 218.80 feet to a point in the Davidson Branch; thence, with the Meanders of Davidson Branch the following calls: north 18 degrees 49 minutes 29 seconds east for a distance of 64.12 feet to a point; north 44 degrees 04 minutes 22 seconds east for a distance of 73.95 feet to a point; north 30 degrees 06 minutes 07 seconds east for a distance of 39.48 feet to a point; north 00 degrees 48 minutes 22 seconds west for a distance of 44.80 feet to a point; north 31 degrees 43 minutes 07 seconds west for a distance of 103.50 feet to a point; north 08 degrees 59 minutes 05 seconds west for a distance of 134.80 feet to a point; north 56 degrees 07 minutes 23 seconds west for a distance of 93.03 feet to a point; north 20 degrees 38 minutes 55 seconds west for a distance of 195.52 feet to a point; north 37 degrees 50 minutes 19 seconds west for a distance of 175.00 feet to a point; north 58 degrees 24 minutes 56 seconds west for a distance of 200.00 feet to a point; thence, leaving said Davidson Branch north 65 degrees 31 minutes 26 seconds east for a distance of 116.87 feet to a set iron pin on the northerly line of the herein described land; thence with said northerly line north 65 degrees 34 minutes 26 seconds east for a distance of 270.51 feet to a set iron pin at the northwest corner of Mary N. Ganier, as of record in Deed Book 6051, Page 883; thence, with the westerly line of said Mary N. Ganier for the following calls: south 16 degrees 52 minutes 29 seconds east for a distance of 256.00 feet to an iron pin set; south 12 degrees 37 minutes 30 seconds east for a distance of 198.00 feet to an iron pin set; south 19 degrees 37 minutes 30 seconds east for a distance of 346.50 feet to a 30" oak; south 23 degrees 37 minutes 30 seconds east for a distance of 346.50 feet to an iron pin set; south 35 degrees 59 minutes 26 seconds east for a distance of 264.00 feet to an iron pin set; south 34 degrees 29 minutes 32 seconds east for a distance of 151.16 feet to an iron pin set, said iron pin being the southwest corner of said Mary N. Ganier, and landing on the northerly right-of-way of Cabot Drive; thence, with the northerly right-of-way of Cabot Drive for the following calls: south 40 degrees 18 minutes 37 seconds west for a

distance of 25.00 feet to an iron pin set; south 04 degrees 21 minutes 56 seconds west for a distance of 281.74 feet to an iron pin set; south 36 degrees 21 minutes 02 seconds west for a distance of 70.93 feet to an existing iron pin, said iron pin being the southeast corner of Sunrise Motel, Inc., also being the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.88 acres more or less, according to a survey by Land Designing Surveying, dated December 5, 2002, Job No. 4201037.

Being the same property conveyed to Alpha, L.L.C., a Tennessee limited liability company, by Warranty Deed from SFB Investment Company, LLLP, a Florida limited liability limited partnership, dated May 30, 2008, as of record in Instrument No. 20080602-0056080, Register's Office for Davidson County, Tennessee.

D. The Property herein described will be sold at public auction for cash by Joseph J. Jensen, Successor Trustee, on Thursday, January 19, 2011, at 11:00 a.m., prevailing Central Time, outside the entrance of the Office of the Davidson County Register of Deeds, Bridgestone Arena, 501 Broadway, Nashville, Tennessee. A copy of the Notice of Successor Trustee's Sale is attached hereto as Exhibit B and a copy of the Deed of Trust is attached hereto as Exhibit C.

E. The approximate amount of principal indebtedness on the Note is **$3,762,878.64** with accrued interest in the amount of **$227,762.94** as of December 16, 2011 and late charges in the amount of **$300.00**. The per diem rate of interest for every day after December 16, 2011 is **$731.67084**. Accordingly, the total indebtedness secured by the Deed of Trust as of December 16, 2011 is approximately **$3,990,941.58** plus the expenses and attorneys' fees incurred in connection with the foreclosure. It is anticipated that additional costs and expenses of the foreclosure, including bankruptcy court expenses, will be approximately **$10,500.00**.

The Property herein described is also subject to the following encumbrances:

1. Davidson County, Tennessee taxes.

2. State Tax Lien Notice as described above.

3. Deed of Trust to Trey Cain, Trustee, dated May 30, 2008, in favor of Tenant Related Companies Pension and Profit Sharing Plan, as to an undivided 73% interest and Brunner Capital, LLC, as to an undivided 27% interest, as Tenants in Common, of record as Instrument No. 20080626-0066100, said Register's Office. See Appointment of Successor Trustee of record as Instrument No. 20091001-0091103, and Appointment of Successor Trustee of record as Instrument No. 20100622-0048758, said Register's Office.

4. Assignment of Deed of Trust to Stanley W. Smith, dated October 25, 2010, of record as Instrument No. 20101122-0093275, said Register's Office.

5. Consent to Loan Participation and Intercredit Lender Debt and Subordination Agreement, dated December 10, 2010, of record as Instrument No. 20101217-0100520, said Register's Office.

6. Deed of Trust to Patricia R. Young, Trustee, dated November 6, 2009, in favor of Gregory S. Perrone, of record as Instrument No. 20091112-0104518, said Register's Office.

7. Deed of Trust to Gregory S. Perrone, Trustee, dated November 6, 2009, in favor of JDS Two, LLC, a North Carolina limited liability company, of record as Insrument No. 20091112-0104519, said Register's Office.

8. Judgment lien in favor of Schneider Engineering Corp., d/b/a The Schneider Corporation against Alpha, LLC, of record as Instrument No. 20101206-0097042, said Register's Office.

9. Matters shown on the Plan of record in Book 7900, page 914 and Book 7900, page 827, said Register's Office.

10. Right of way in favor of Charlotte Pike, also known as U.S. Highway 70. (As to Tract One.)

11. Rights of upper and lower riparian owners in and to the water of the Cumberland River, located on subject property and the natural flow thereof, free from diminution or pollution. Subject to the rules and regulations of the U.S. Corps of Engineers. (As to Tract One.)

12. Right of way in favor of Cabot Drive. (As to Tract Two.)

13. Rights of upper and lower riparian owners in and to the water of Davidson Branch, located on subject property and the natural flow thereof, free from diminution or pollution. Subject to the rules and regulations of the U.S. Corps of Engineers. (As to Tract Two.)

14. All other easements and restrictions of record in said Register's Office.

15. Matters which an accurate survey of the Property might disclose.

Please accept this letter as the twenty-five (25) day notice required by Tenn. Code Ann. §67-1-1433 which notice must be given to the Commissioner of the State of Tennessee Department of Revenue or his delegate. Please advise me immediately of any deficiency or inadequacy in this notice.

Sincerely,

STITES & HARBISON, PLLC

Paul Allen England

Enclosures

TENNESSEE DEPARTMENT OF REVENUE
Personal Service Accepted:

By: _____

Date: 12/19/11