BILL GARRETT, Davidson County
Trans:T20130070746 DEEDWARRSP
Recvd: 08/16/13 09:39 5 pgs
Fees:28.00 Taxes:1565.16
20130816-0086284

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into this 31st day of July, 2013, between GE CAPITAL FRANCHISE FINANCE CORPORATION, a Delaware corporation ("***Seller***"), duly organized under and by virtue of the laws of the State of Delaware, party of the first part, and ARC CAFEHLD001, LLC, a Delaware limited liability company, party of the second part,

WITNESSETH: That for and in consideration of the sum of $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 real estate situated and being in Nashville, County of Davidson, State of Tennessee, together with the buildings, fixtures, and improvements thereon, legally described on **Exhibit A** attached hereto, together with all the appurtenances and hereditaments thereto (the "***Property***"), subject to current taxes and assessments, reservations in patents, all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and other matters as may appear of record, the rights of parties in possession under unrecorded leases, and all matters which an accurate survey of the Property or a physical inspection of the Property would disclose.

TO HAVE AND TO HOLD, all and singular, the Property to the party of the second part, their successors and assigns to their own use forever.

The said party of the first part does hereby covenant with the party of the second part that it is the lawful owner in fee of the Property, and that it has good right to sell and convey the same; and that the party of the first part will warrant and defend the same against all claims and demands of the party of the first part, but against none other, subject to the matters above set forth.

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.

[SIGNATURES ON THE FOLLOWING PAGE]

NCS 605921TN29 PHX1

Return to:
First American Title Insurance Co.
2425 E Camelback Rd., Ste 300
Phoenix, AZ 85016

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its duly authorized officer as of this 31st day of July, 2013.

SELLER:

GE CAPITAL FRANCHISE FINANCE CORPORATION, a Delaware corporation

By: _____
Printed Name: Max Axler
Its: Executive Vice President

STATE OF ARIZONA]
COUNTY OF MARICOPA]

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Max Axler, with whom I am personally acquainted, and who upon oath, acknowledged himself to be an Executive Vice President of GE Capital Franchise Finance Corporation, a Delaware corporation, the within named bargainor, a Delaware corporation, and that he executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation, as Executive Vice President.

Witness my hand and seal this 19 day of June, 2013.

_____
Notary Public

My Commission Expires: 2-25-17

Joanne Krpata
Notary Public
Maricopa County, Arizona
My Comm. Expires 02-25-17

****

(FOR RECORDING DATA ONLY)

Property Address:
3232 Clarksville Pike
Nashville, TN

Property Owner:
ARC CAFEHLD001, LLC, a Delaware limited liability company
106 York Road
Jenkintown, PA 19046

Parcel ID:

Mail tax bills to: (Person or Agency responsible for payment of taxes)

American Realty Capital
200 Dryden Road, Suite 1100
Dresher, PA 19025

This instrument prepared by:

Kutak Rock LLP
8601 N. Scottsdale Rd., Suite 300
Scottsdale, Arizona 85253

Return to:

Kristin Brown
First American Title Insurance Company
2425 E. Camelback Rd., Suite 300
Phoenix, AZ 85016

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 $423,017.46, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this 22nd day of July, 2013.

Notary Public

My Commission Expires: 1/27/18

Amy R. Thompson
Notary Public
Mecklenburg County
North Carolina
My Commission Expires 1/27/18

State tax _____ $
Recording fee __ $
Total _____ $

EXHIBIT A

LEGAL DESCRIPTION

Map/Parcel #070-130-044.00

EXHIBIT A

LEGAL DESCRIPTION

A tract of land in Metropolitan Nashville, Davidson County, Tennessee, being Lots Nos. 36 and 37, and the westerly 12.5 feet of Lot No. 35 on the Plan of Resha Heights, of record in Plat Book 1424, page 110, Register's Office for Davidson County, Tennessee, and described according to a survey made by Ragan-Smith-Associates, Inc., Job no. 83-010, W.O. 4826, dated March 7, 1995, as follows:

Beginning at an iron pin set on the northerly margin of Clarksville Pike, U.S. 41-A, State Route 12, as conveyed to the State of Tennessee, by Consent Judgment and Final Decree of record in Deed Book 6671, Page 836, Register's Office for Davidson County, Tennessee, said point lying on the common line of Lots 37 and 38 on Plan of Resha Heights, said iron pin being southeasterly 80.62 feet from the southeasterly return curve at Clarksville Pike and Summit Avenue, as measured along the new northerly margin of Clarksville Pike; thence with said common line,

1. North 36° 52' 38" East, 156.66 feet to an existing iron pin on the southerly margin of 20 foot alley; thence with said alley;

2. South 53° 09' 52" East, 187.29 feet to an existing iron pin; thence,

3. South 16° 52' 38" West, 156.59 feet to an iron pin set on the northerly margin of Clarksville Pike; thence with said Pike,

4. North 53° 18' 37" West, 166.93 feet to an iron pin set; thence,

5. North 52° 09' 52" West, 20.36 feet to an iron pin set; thence, to the Point of Beginning.

LESS AND EXCEPT property conveyed to the State of Tennessee in Book 6671, page 836, in the said Register's Office.

Being a portion of the same property conveyed to FFCA Acquisition Corporation, a Delaware corporation from Shoney's Inc., a Tennessee corporation by deed of record in Book 9815, page 269, in the Register's Office for Davidson County, Tennessee.