BILL GARRETT, Davidson County
Trans:T20130070746 DEEDWARRSP
Recvd: 08/16/13 09:42 5 pgs
Fees:28.00 Taxes:6651.77
20130816-0086287

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 CAFEUSA001, 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 605921TN31 PHH

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:
3131 Dickerson Pike
Nashville, TN

Property Owner:
ARC CAFEUSA001, LLC, a Delaware limited liability company
106 York Road
Jenkintown, PA 19046

Parcel ID:
Map & Parcel #060-04-034.01

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 $1,797,775.13, 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 Map & Parcel #060-04-034.01

EXHIBIT A

LEGAL DESCRIPTION

Being a certain tract of land located at 3131 Dickerson Pike in the First Civil District of Metropolitan Nashville, Davidson County Tennessee, and being particularly described by metes and bounds as follows:
Beginning at a P.K. nail (new), said nail being the northwest corner of the herein described tract, in the East right of way of Dickerson Pike and in the South right of way of Maplewood Lane; Thence with said right of way and then the line of Sharad M. Patel as evidenced in Book 8837, Page 84, Register's Office for Davidson County, Tennessee South 05 deg. 37' 46" West, passing a concrete monument (old) at 9.48 feet, in all 161.50 feet to an iron pin (old), said pin being in the line of Oliver Dale as evidenced in Book 4421, page 44, Register's office for Davidson County, Tennessee; Thence with the line of Dale North 83 deg. 26' 00" West, 149.77 feet to a concrete monument (old), said monument being in the East right of way of Dickerson Pike; Thence with the said right of way North 05 deg. 37' 46" East, 161.50 feet to the point of beginning and containing 24, 184 square feet or .555 acre more or less.

ALSO DESCRIBED AS:
All that certain piece, parcel or tract of land situate, lying, and being located in the City of Nashville, Davidson County, State of Tennessee, containing 0.555 acres as shown on a plat entitled "ALTA/ACSM Land Title Survey for Wendy's", dated September 21, 2006, prepared by Barrett Surveying Group (R. Scott Barrett, PLS, TN Registration No. 2473) and according to said plat having the following metes and bounds to wit:

Beginning at an existing pk nail found (Labeled P.O.B) at the intersection of Dickerson Pike and Maplewood Trace, thence running along the southern right-of-way of Maplewood Trace S 84°06'23" E 149.83 feet to an iron pin old ½" rebar at the common corner of lands no or formerly Yogi Motel Inc. (DB 20030531 00-73511), thence running along the common property line of lands no or formerly Yogi Motel, Inc. S 05°00'00" W 161.49 feet to an iron pin old 5/8" rebar at the common corner of lands now or formerly Oliver H. Dale (DB 4421-44) thence running along the common property line of lands no or formerly N 84°05'33" W 149.69 feet to a concrete monument found on the eastern right-of-way line of Dickerson Pike, thence running along the eastern right-of-way line of Dickerson Pike N 04°57'04" E 161.46 feet to the point of beginning.

Being the same property conveyed to GE Capital Franchise Corporation, a Delaware corporation by Deed of record in Instrument No. 20061205-0150062, Register's Office for Davidson County, Tennessee.