(1)

Box 36

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|---|---|
| ***INSTRUMENT PREPARED BY:***<br>***Douglas A. Brace, Reg. #3485***<br>***ORTALE, KELLEY, HERBERT & CRAWFORD***<br>*200 Fourth Avenue North, Third Floor*<br>*P.O. Box 198985*<br>*Nashville, TN 37219-8985*<br>*(615) 256-9999* | *STATE OF TENNESSEE ]*<br>*COUNTY OF DAVIDSON ]*<br><br>*The actual consideration or value, whichever is greater, for this transfer is $500,000.00.*<br><br>*Affiant*<br><br>*SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 3rd DAY OF JANUARY, 2014.*<br><br>*Notary Public*<br><br>*My commission expires*<br>Aug 9, 2015 |

RUBYE RAINEY NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY

NOTARY PUBLIC
Rubye Rainey
My Commission Expires
August 9, 2015
STATE OF TENNESSEE

**Name and Address of New Owner**:

Bernad Gibbs
15 River Lane
Lake Charles, LA 70605

BILL GARRETT, Davidson County
Trans:T20140001392 DEEDWARR
Recvd: 01/07/14 14:54 10 pgs
Fees:53.00 Taxes:1850.00
20140107-0001829

**Send Tax Bills To:**

NEW OWNER

**Street Address of Subject Property:**

212 Third Avenue North
Nashville, Tennessee

**Map and Parcel:**

093-2-3-173

## WARRANTY DEED

**FOR AND IN CONSIDERATION** of the sum of Ten and No/100 Dollars ($10.00), cash in hand paid by the hereinafter named Grantee, and other good and valuable

26972SP

considerations, the receipt and sufficiency of which are hereby acknowledged, **212 PARTNERS,** a Tennessee general partnership composed of Charles D. Nord, William I. Kuhn, Wherry & Elizer Properties, L.P., successor to Wherry & Elizer, a Tennessee general partnership, Jacqueline Anne Saturn, Samantha T. Saturn, Rachel Elizabeth Saturn and Lawrence J. Sacks, Co-Trustees of the Trusts u/w/o Nancy A. Saturn f/b/o Jacqueline Anne Saturn, Samantha T. Saturn and Rachel Elizabeth Saturn, hereinafter collectively called "**GRANTOR,**" has bargained and sold, and by these presents does transfer and convey unto **BERNAD GIBBS**, hereinafter called "**GRANTEE,**" his heirs and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows:

Land in Davidson County, Tennessee, being a part of Lot No. 26 in the Original Town of Nashville, Tennessee, and being described as follows:

Fronting 21 feet 6 inches on the east margin of Third Avenue (formerly College Street), and being the premises known as store-house city number 212 Third Avenue (formerly North College Street), more particularly described as follows:

Beginning at a point in the eastern margin of said Avenue, or North College Street aforesaid 81 feet 3½ inches from the intersection of said Avenue or College Street with Bank Alley; thence southwardly 21 feet 6 inches to the center of a thirteen inch wall between said store-house number 212 and adjoining store house number 210; thence eastwardly with the center of said wall 108 feet 3 inches to a ten-foot alley; thence northwardly with the margin of said alley, 21 feet, 6 inches; thence westwardly 108 feet 3 inches to the beginning, being a part of Lot No. 26 in the Original Town of Nashville, Tennessee.

Being the same property conveyed to 212 Partners, a Tennessee general partnership, composed of four partners, namely: Charles D. Nord; Douglas U. Kirk; William I. Kuhn; Stephen R. Wherry and J. B. Elizer, a partnership, by Deed recorded in Book 5971, page 882, and by Quitclaim Deed from William L. Underhill recorded in Book 6215, page 247, in said Register's Office for Davidson County, Tennessee. Said Douglas U. Kirk's twenty-five (25%) percent partnership interest was transferred to Alan L. Saturn by Assignment dated January 1, 1983 and by Bill of Sale dated January 1, 1984 William I. Kuhn, Charles D. Nord and Wherry & Elizer, a partnership composed of Stephen R. Wherry and J. B. Elizer conveyed a five (5%) percent partnership interest each to Alan L. Saturn hereby giving Alan L. Saturn a forty (40%) percent partnership interest. Thereafter Alan L. Saturn's forty (40%) percent partnership interest passed to his wife, Nancy A. Saturn, under his Last Will and Testament which interest was subsequently conveyed to certain Co-Trustees under the Last Will and Testament of Nancy A. Saturn shown as grantors herein. J. B. Elizer's interest in Wherry & Elizer partnership was conveyed to his wife, Frances G. Elizer, under his Last Will and Testament as

evidenced by an Affidavit of Heirship of record under Instrument No. 20010806-0083918, Register's Office for Davidson County, Tennessee. Thereafter the interests of Stephen R. Wherry and Frances G. Elizer in the Wherry & Elizer partnership, were conveyed to Wherry & Elizer Properties pursuant to a Partnership Agreement dated January 4, 1999. Thereafter, Frances G. Elizer died and pursuant to her Last Will and Testament her interest in the Wherry & Elizer Properties partnership was transferred to Nashville First Church of the Nazarene, Inc. by Assignment dated January 1, 2012. Thereafter, Nashville First Church of the Nazarene, Inc. conveyed its interest in the Wherry & Elizer Properties partnership to 510 Foundation by Assignment of Partnership Interests dated May 24, 2012. Stephen R. Wherry and 510 Foundation transferred their interests in the Wherry & Elizer Properties partnership to Wherry & Elizer Properties, LP.

This is improved property known as 212 Third Avenue North, Nashville, Tennessee.

The conveyance of the above described parcel of land is subject to the following:

1. 2013 Metropolitan Nashville/Davidson County taxes for the year 2013 which have been prorated between the parties and paid by Grantor; 2014 and taxes for subsequent years are assumed by Grantee.

2. All applicable Restrictive Covenants for Capitol Mall Redevelopment Plan contained in instruments of record in Book 7423, page 374, Book 8027, page 865, Book 9208, page 613, Book 10512, page 464, and Instrument Nos. 20020626-0076795; 20050124-0008719; 20130903-0092714 and 20130903-0092715, in the Register's Office for Davidson County, Tennessee.

3. Rights of others in and to shared party walls.

4. Any and all zoning regulations, building restrictions, setback lines, if any, and any easements and rights of ways for public utilities applicable to the property.

**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, his heirs and assigns, forever; and Grantor does covenant with the said Grantee that it is lawfully seized and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, unless otherwise herein set out; and Grantor does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the said land to the Grantee, his heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Executed on the dates indicated below, and effective as of the 3rd day of January, 2014.

*[Signatures on following pages]*

**212 PARTNERS, a Tennessee general partnership**

By: _____
**Charles D. Nord, General Partner as to 20%**

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**STATE OF TENNESSEE]**
**COUNTY OF DAVIDSON]**

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **Charles D. Nord**, the bargainor, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand and seal at office, this the 5 day of December, 2013.

_____
**NOTARY PUBLIC**

**My Commission Expires:** 12-06-2016

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By: _____
William I. Kuhn, General Partner as to 20%

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STATE OF PA ]
COUNTY OF Philadelphia ]

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **William I. Kuhn**, the bargainor, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal at office, this the 05 day of December, ~~2013.~~

NOTARIAL SEAL
BLASE F LOMBARDO
Notary Public
PHILADELPHIA CITY, PHILADELPHIA COUNTY
My Commission Expires Feb 4, 2015

_____
NOTARY PUBLIC

My Commission Expires: _____

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**WHERRY & ELIZER PROPERTIES, L.P., General Partner as to 20%**

Stephen R. Wherry

By: Stephen R. Wherry, General Partner
**Stephen R. Wherry, General Partner**

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**STATE OF TENNESSEE]**

**COUNTY OF DAVIDSON]**

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared Stephen R. Wherry, with whom I am personally acquainted and who, upon oath, acknowledged himself to be a General Partner of **Wherry & Elizer Properties, L.P., successor to Wherry & Elizer**, a general partnership, and that he as General Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the general partnership as General Partner.

**WITNESS** my hand and seal at office, this the 6th day of December, 2013.

**NOTARY PUBLIC**

**My Commission Expires:** May 3, 2016

CHASE CHAPMAN
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires May 3, 2016

*JACQUELINE ANNE SATURN AND LAWRENCE J. SACKS, CO-TRUSTEES OF THE TRUST u/w/o NANCY A. SATURN f/b/o JACQUELINE ANNE SATURN

By: _____
Jacqueline Anne Saturn, Co-Trustee

By: _____
Lawrence J. Sacks, Co-Trustee

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STATE OF CALIFORNIA |
COUNTY OF LOS ANGELES |

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared **Jacqueline Anne Saturn**, with whom I am personally acquainted and who, upon oath, acknowledged herself to be a Co-Trustee of the Trust u/w/o Nancy A. Saturn f/b/o Jacqueline Anne Saturn, and that she as Co-Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as Co-Trustee.

WITNESS my hand and seal at office, this the 6th day of December, 2013.

SEAN HAG KIM
COMM #1883859
Notary Public-California
LOS ANGELES COUNTY
My Comm. Exp. MAR 22, 2014

_____
NOTARY PUBLIC

My Commission Expires: Mar. 22, 2014

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STATE OF Tennessee |
COUNTY OF Davidson |

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared **Lawrence J. Sacks**, with whom I am personally acquainted and who, upon oath, acknowledged himself to be a Co-Trustee of the Trust u/w/o Nancy A. Saturn f/b/o Jacqueline Anne Saturn, and that he as Co-Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as Co-Trustee.

WITNESS my hand and seal at office, this the 10th day of December, 2013.

_____
NOTARY PUBLIC

DEBRA K. KING
NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: 7-6-15

***SAMANTHA T. SATURN AND LAWRENCE J. SACKS, CO-TRUSTEES OF THE TRUST u/w/o NANCY A. SATURN f/b/o SAMANTHA T. SATURN**

By: _____
**Samantha T. Saturn, Co-Trustee**

By: _____
**Lawrence J. Sacks, Co-Trustee**

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STATE OF New York
COUNTY OF Queens

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared **Samantha T. Saturn**, with whom I am personally acquainted and who, upon oath, acknowledged herself to be a Co-Trustee of the Trust u/w/o Nancy A. Saturn f/b/o Samantha T. Saturn, and that she as Co-Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as Co-Trustee.

**WITNESS** my hand and seal at office, this the 6 day of December, 2013.

BOGUMILA T. ROSEBURG
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01RO5071459
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES JANUARY 13, 2015

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**NOTARY PUBLIC**

My Commission Expires: January 13 2015

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STATE OF Tennessee
COUNTY OF Davidson

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared **Lawrence J. Sacks**, with whom I am personally acquainted and who, upon oath, acknowledged himself to be a Co-Trustee of the Trust u/w/o Nancy A. Saturn f/b/o Samantha T. Saturn, and that he as Co-Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as Co-Trustee.

**WITNESS** my hand and seal at office, this the 10th day of December, 2013.

_____
**NOTARY PUBLIC**

My Commission Expires: 7-6-15

TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

***RACHEL ELIZABETH SATURN AND LAWRENCE J. SACKS, CO-TRUSTEES OF THE TRUST u/w/o NANCY A. SATURN f/b/o RACHEL ELIZABETH SATURN**

By: Rachel E. Sat
**Rachel Elizabeth Saturn, Co-Trustee**

By: Lawrence J Sacks
**Lawrence J. Sacks, Co-Trustee**

***Collectively as to 40%**

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STATE OF MINNESOTA ]
COUNTY OF HENNEPIN ]

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared **Rachel Elizabeth Saturn,** with whom I am personally acquainted and who, upon oath, acknowledged herself to be a Co-Trustee of the Trust u/w/o Nancy A. Saturn f/b/o Rachel Elizabeth Saturn, and that she as Co-Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as Co-Trustee.

**WITNESS** my hand and seal at office, this the 5th day of December, 2013.

KAREN BARTLETT KLEMENT
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/16

Karen Klement
**NOTARY PUBLIC**

**My Commission Expires:** 1/31/16

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STATE OF Tennessee ]
COUNTY OF Davidson ]

Before me, the undersigned, a Notary Public in and for said State and County aforesaid, personally appeared **Lawrence J. Sacks,** with whom I am personally acquainted and who, upon oath, acknowledged himself to be a Co-Trustee of the Trust u/w/o Nancy A. Saturn f/b/o Rachel Elizabeth Saturn, and that he as Co-Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Trust as Co-Trustee.

**WITNESS** my hand and seal at office, this the 10th day of December, 2013.

Delisa K. King
**NOTARY PUBLIC**

**My Commission Expires:** 7-6-15

NOTARY PUBLIC DAVIDSON COUNTY

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*F:\DAB\212 Partners\Warranty Deed.doc*