BILL GARRETT, Davidson County
Trans:T20150007530 DEEDWARRSP
Recvd: 01/30/15 10:40 5 pgs
Fees:28.00 Taxes:16650.00
20150130-0008922

SPECIAL WARRANTY DEED

FROM: R.D. Herbert & Sons Co.

This instrument was prepared by:
C. Mark Carver, Esq.
Sherrard & Roe, PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201

TO: Fountains Germantown Holdings, LLC

Address New Owner(s) as Follows:	Send Tax Bills To:	Map/Parcel Numbers
Fountains Germantown Holdings, LLC 1355 Greenwood Cliff, Suite 150 Charlotte, NC 28204	Same	082-09-0-104.00 082-09-0-105.00 082-09-0-111.00 082-09-0-112.00 082-09-0-113.00

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is $4,500,000.00.

Affiant

Sworn to and subscribed before me, this 29 day of January, 2015.

Notary Public

My Commission Expires:

NOTARY PUBLIC
Traci Sellers
My Commission Expires
March 6, 2018
STATE OF TENNESSEE

TRACI SELLERS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars, cash in hand paid by the hereinafter named Buyer, and other good and valuable considerations, the receipt of which is hereby acknowledged, **R.D. Herbert & Sons Co., a Tennessee corporation** (the "Seller") by these presents does transfer, sell and convey unto **Fountains Germantown Holdings, LLC, a North Carolina limited liability company** (the "Buyer"), and Buyer's successors and assigns, all of Seller's interest in a certain tract of land in Davidson County, Tennessee, described on Exhibit A attached hereto and incorporated herein by reference, and any improvements thereon.

The above-referenced property is conveyed subject to all matters set forth on Exhibit B attached hereto and incorporated herein by reference.

This improved property located at 1401-1407 3rd Avenue North and 1408-1410 4th Avenue in Nashville, Davidson County, Tennessee 37201.

Seller further covenants and binds Seller, its representatives, successors and assigns to warrant and forever defend the title to said real estate to Buyer, and Buyer's successors and assigns, against the lawful claims of all persons claiming by, through or under Seller, but not otherwise. 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.

IN WITNESS WHEREOF, Seller has caused this Special Warranty Deed to be executed effective as of the 29th day of January, 2015.

"SELLER" **R.D. Herbert & Sons Co.,**
a Tennessee corporation

By: _____
Houston Herbert, President

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me, Traci Sellers, a Notary Public in and for the County and State aforesaid, personally appeared Houston Herbert, President of R.D. Herbert & Sons Co., a Tennessee corporation (the "Corporation"), 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 authorized President of the Corporation, the within named bargainor, and that he as such President of the Corporation, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as President.

Witness my hand and seal at office in Nashville, Tennessee, this 29 day of January, 2015.

Traci Sellers
Notary Public

TRACI SELLERS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

NOTARY PUBLIC
Traci Sellers
My Commission Expires
March 6, 2018
STATE OF TENNESSEE

EXHIBIT A

PROPERTY DESCRIPTION

TRACT ONE:

PROPERTY DESCRIPTION – (2.02 Ac) R.D. Herbert & Sons Company

Land situated in the 19th Councilmanic District of Metropolitan Nashville, Davidson County, Tennessee being Tax Map 82-09, Parcels 111, 112 and 113, owned by R. D. Herbert & Sons, Co., Recorded in Deed Book 7203, Page 387, Register's Office for Davidson County, (R.O.D.C.) Tennessee and Recorded by Instrument #20050907-0107705, R.O.D.C. Tennessee and more particularly described as follows:
Beginning at an iron rod capped (new) on the intersection of the westerly right-of-way margin of 3RD Avenue North (a 49.5-foot wide right-of-way) and the southerly right-of-way margin of Van Buren Street (a 49-foot wide right-of-way) the northeasterly property corner of this tract and proceeding as follows:

From the Point of Beginning and with the westerly right-of-way margin of 3RD Avenue North and leaving Van Buren Street, S 27°05'14" E a distance of 520.60 feet to an iron rod with cap (new) on the northerly right-of-way margin of Taylor Street (a 30-foot wide right-of-way);
Thence, with Taylor Street, S 62°32'40" W a distance of 178.23 to an iron rod capped (new) on the easterly right-of-way of Alley #201 (right-of-way width varies);

Thence, with the alley, N 26°52'20" w a distance of 471.37 feet to an iron rod capped (new) on the southerly right-of-way margin of Van Buren Street;

Thence, with Van Buren Street, N 46°58'38" E a distance of 183.51 feet to the Point of Beginning. Containing 87,935 Square Feet or 2.02 Acres more or less.

Being a part the same property conveyed to R. D. Herbert & Sons, Co., from Herbert and Wilk Real Estate Company, Recorded in Deed Book 7203, Page 387, Register's Office for Davidson County, Tennessee.

TRACT TWO:

PROPERTY DESCRIPTION – (0.40 Ac) R.D. Herbert & Sons Company

Land situated in the 19th Councilmanic District of Metropolitan Nashville, Davidson County, Tennessee being Tax Map 82-09, Parcels 104 and 105, owned by R. D. Herbert & Sons, Co., Recorded in Instrument #20050907-0107705 and #20050907-0107706, Register's Office for Davidson County, (R.O.D.C.) Tennessee, being Lots 5 and 6 on the Plan of P. A. Smith's Subdivision of Lot 26 of D. T. McGavock's First Addition of Record in Plat Book 57, page 38, R.O.D.C., Tennessee and being more particularly described as follows:
Beginning at an iron rod capped (new) on the easterly right-of-way margin of 4TH Avenue North (a 49.5-foot wide right-of-way) the northwesterly property corner of this tract. Said rod is south 126 feet,

more or less from the southerly end of the southeasterly return curve for Van Buren Street (a 49-foot wide right-of-way) and proceeding as follows:

From the Point of Beginning and leaving the right-of-way margin of 4TH Avenue North, N 63°09'20" E, a distance of 177.00 feet to an iron rod capped (new) on the westerly right-of-way margin of Alley #201 (right-of-way width varies);
Thence, with said alley, S 26°52'20" E, a distance of 98.21 feet to an iron rod (old);
Thence, leaving the alley and along or near the northerly property line of Mark and Lauren McWatters, Recorded in Instrument #20131204-0123476, R.O.D.C., Tennessee, S 63°09'20" W, a distance of 177.00 feet to an iron rod (old) on the easterly right-of-way margin of 4TH Avenue North;
Thence, with said right-of-way margin, N 26°52'28" W, a distance of 98.21 feet to The Point of Beginning. Containing 17,383 Square Feet or 0.40 Acres
more or less.

Being a part the same property conveyed to R. D. Herbert & Sons, Co., from Betty M. Herbert, Executrix of the Estate of R. D. Herbert, III, Recorded in Instrument #20050907-0107705 and #20050907-0107706, Register's Office for Davidson County, Tennessee.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes for the year of 2015, a lien, not yet due and payable.