BILL GARRETT, Davidson County
Trans:T20160008196 DEEDWARRSP
Recvd: 02/01/16 09:14 7 pgs
Fees:38.00 Taxes:74000.00
20160201-0009172

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|---|---|
| **THIS INSTRUMENT PREPARED BY:**<br>WESLEY D. TURNER<br>**GULLETT, SANFORD, ROBINSON & MARTIN, PLLC**<br>150 Third Avenue South<br>Suite 1700<br>Nashville, Tennessee 37201<br>(615) 244-4994<br><br>SHARON MUSTAFA<br>Lake County<br>My Commission Expires<br>October 18, 2023 | STATE OF INDIANA )<br>COUNTY OF LAKE )<br><br>The actual consideration or value, whichever is greater, for this transfer is $20,000,000.00.<br><br>Affiant<br><br>Subscribed and sworn to before me, this 28 day of January, 2016.<br><br>Notary Public<br><br>My Commission Expires: 10-18-23 |

| Address New Owner As Follows: | Send Tax Bills To: | Map-Parcel Number: |
|---|---|---|
| 7th Avenue Nashville Hotel Owner, LLC<br>1000 East 80th Place, Suite 700 North<br>Merrillville, Indiana 46410 | SAME | 93-10-484 |

## SPECIAL 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 consideration, the receipt of which is hereby acknowledged, **THE TRUSTEES OF THE FIRST BAPTIST CHURCH OF NASHVILLE**, a corporation organized and existing by special act of the Legislature of Tennessee, hereinafter collectively called the Grantor, have bargained and sold, and by these presents do transfer and convey unto **7TH AVENUE NASHVILLE HOTEL OWNER, LLC,** a Delaware limited liability company, hereinafter called the Grantee, its successors and assigns, a certain tract or parcel of land in Davidson County, Tennessee, described as follows:

Land in Davidson County, Tennessee, being Lot No. 1 on the plan of the Consolidation and Subdivision of First Baptist Church of Nashville of record in Instrument No. 20131219-0128081, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

Being the same property conveyed by Nashville Union Mission, Inc. to the Trustees of the First Baptist Church of Nashville of record in Book 11761, page 230, Register's Office for Davidson County, Tennessee, being part of the same property conveyed by Hollis E. Johnson and wife, Frances Settle Johnson to the Trustees of First Baptist Church, 7th and Broadway, Nashville, Tennessee by deed of record in Book 6416, page 211, Register's Office for Davidson County, Tennessee, and being the same property formerly located within Alley No. 114 closed by Metropolitan Government of Nashville and Davidson County, Ordinance No. BL2013-599, as amended, of record in Instrument No. 20150408-0031011, Register's Office for Davidson County, Tennessee.

The legal description for this transaction was prepared by the drafter from the plat prepared by Brad Tyson Thomas, RLS, Tennessee License No. 2431, Barge, Waggoner, Sumner & Cannon, Inc., 211 Commerce Street, #600, Nashville, TN 37201.

This conveyance is made subject to:

1. 2016 Metro taxes which have been prorated and assumed by Grantee. Grantee shall pay 2016 Metro taxes prior to delinquency and shall indemnify and hold harmless Grantor therefrom.

2. Matters shown on the plan of record in Instrument No. 20131219-0128081, Register's Office for Davidson County, Tennessee.

3. Easements retained in the former Alley No. 114, as set forth in Metro Council Bill BL 2013-599, as amended and adopted, of record in Instrument No. 20150408-0031011, Register's Office for Davidson County, Tennessee.

4. Matters shown on the survey of Barge, Waggoner, Sumner and Cannon, Inc. dated January 27, 2016.

The following Restrictive Covenant shall run with the land described herein and shall be binding upon the Grantee, its successors and assigns:

**The property described herein shall not be used as an adult bookstore, as an adult novelty store, as a pornography store, as an adult entertainment bar or facility, as an entertainment facility offering live nudity, as a "swingers club," as a marijuana dispensary, as an enterprise involving the sale, distribution or display of drug paraphernalia used in the use or ingestion of illicit drugs, as a "headshop," or for any illegal activity. The Grantee, its successors, assigns and all subsequent parties in ownership of the property described herein at the time of any violation of this restrictive covenant, will pay all attorneys'**

**fees and other costs and expenses of any party seeking to enforce the restrictive covenant.**

This is improved property known as 710 Demonbreun Street, Nashville, Tennessee 37203.

**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, its successors and assigns, forever; and the undersigned does further covenant and bind the undersigned, its successors and assigns, to specially warrant and forever defend the title to the said land to the said Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under said Grantor, but not otherwise.

Sale of the subject land is made in AS IS/WHERE IS condition. Grantor makes no representations or warranties with respect to the subject property except as specifically set forth herein.

**WITNESS** our hand effective the 28th day of January, 2016.

**TRUSTEES OF THE FIRST BAPTIST CHURCH OF NASHVILLE,** a corporation organized and existing by special act of the Legislature of Tennessee, each of whom execute below in their official capacity only and without personal liability

By: _____
Russ Bradley, Trustee

By: _____
Mark Smith, Trustee

By: _____
Gary Tullock, Trustee

By: _____
Philip Owens, Trustee

By: _____
Katie Shull, Trustee

By: _____
Melita Thomas, Trustee

By: _____
Gordon Brown, Trustee

By: _____
Jim Lowry, Trustee

By: _____
Nancy Ryals, Trustee

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **RUSS BRADLEY, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

_____
Notary Public

My Commission Expires: May 8, 2018

STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF DAVIDSON

MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **MARK SMITH, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **GARY TULLOCK, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **PHILIP OWENS, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **KATIE SHULL, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **MELITA THOMAS, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **GORDON BROWN, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **JIM LOWRY, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **NANCY RYALS, TRUSTEE,** with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

**WITNESS** my hand, at office, this 27th day of January, 2016.

Myra W. Mathis
Notary Public

My Commission Expires: May 8, 2018

MYRA W MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES: MAY 8, 2018