Bill Garrett Davidson County
Batch# 424 DEEDWARR
09/12/2017 03:18:00 PM 4 pgs
Fees: $23.00 Taxes: $3,700.00

20170912-0093378

PREPARED BY:
SIDWELL & BARRETT, P.C.
121 First Avenue South, Suite 200
Franklin, TN 37064

STATE OF NEW YORK)
COUNTY OF ERIE)
The actual consideration is $1,000,000.00

Anthony Casullo
AFFIANT

Subscribed and sworn to before me
this 23rd day of August, 2017.

NOTARY PUBLIC
My Commission Expires: 9-8-19

LISA A. SCHILLACI
Notary Public, State Of New York
Monroe County, Reg. #01SC6098373
Commission Expires: September 8, 20 19

ADDRESS OF NEW OWNER:
Monterra LLC
1325 Millersport Highway, Suite 209
Williamsville, NY 14221

SEND TAX BILLS TO:
Owner

Map/Parcel 161-216.00

WARRANTY DEED

In consideration of $10.00, and other good and valuable consideration, the receipt thereof which is hereby acknowledged, **Monterra LLC, a New York limited liability company ("Grantor")** hereby conveys a 10% undivided interest as a tenant in common in the below referenced property to **Ronald C. Toski and wife Margaret A. Toski ("Grantee"),** their heirs successors and assigns. Said property conveyed herein is located in Davidson County, and described as follows:

See Exhibit A

Being the same property conveyed to Monterra LLC, a New York limited liability company by deeds from The Maddox Foundation, a Mississippi not for profit corporation of record at Instrument No. 20170404-0033006 and 20170404-0033007 Register's Office for Davidson County, Tennessee.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

Property Taxes for the year(s) 2017 and thereafter, a lien not yet due and payable.
All matters set forth in the plan of reference of record in Plat Book 6250, page 254 and Book 6250, page 764 Register's Office for Davidson County, Tennessee.

Storm Water Detention Agreement of record in Book 6556, page 84 Register's Office for Davidson County, Tennessee.

Easement to TVA of record in Book 2400, page 896 Register's office for Davidson County, Tennessee.

Easement to South Central Bell Telephone Company of record in Book 6648, page 498 Register's Office for Davidson County, Tennessee.

Easement for Right of Way for Street purposes of record in Book 4730, page 607 Register's Office for Davidson County, Tennessee.

Easement for Water Main and Appurtenances of record in Instrument No. 20030318-0035548 Register's Office for Davidson County, Tennessee.

This Warranty Deed is made expressly subject to a Deed of Trust, Assignment of Leases and Rents, Security Agreement and Financing Statement in favor of US Income Partners, LLC in the original principal amount of $1,900,000.00 and of record in Instrument No. 20170404-0033008 Register's Office for Davidson County, Tennessee.

This Warranty Deed is made expressly subject to an Absolute Assignment of Leases, Rents and Income in favor of US Income Partners, LLC of record in Instrument No. 20170404-0033009 Register's Office for Davidson County, Tennessee.

This is unimproved property known as 15201 Old Hickory Boulevard, Nashville, TN 37211

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**, their successors and assigns forever, and I do covenant with the said **GRANTEE** that it is lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and it does further covenant and bind itself and representatives, to 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 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.

Witness our hand this 22 day of August, 2017.

Monterra LLC

By: Anthony J. Cutaia
Its: Manager

STATE OF NEW YORK
COUNTY OF ERIE

Before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Anthony J. Cutaia with whom I am personally acquainted or proved to me on the basis of satisfactory and who proved him/her self to be the Manager of Monterra LLC, and who, being authorized to do so, acknowledged he/she executed the foregoing instrument for the purposes therein contained.

Witness my hand, at office, this 22nd day of August, ~~2017~~ 2017.

Dawn M. Blickenstaff Schwanz
Notary Public

My Commission Expires: 8/4/20

DAWN M. BLICKENSTAFF SCHWANZ
Notary Public - State of New York
No. 01BL6191158
Qualified in Erie County
My Commission Expires August 4, 2020

EXHIBIT A

Property located in the Fourth Councilmanic District of Nashville, Davidson County, Tennessee being shown as Parcel 216.00 on Davidson County Property Map 161, being shown as Lot 1 on the Plan of Timer Ridge Apartments, Phase 1, (Revised) of record in Plat Book 6250, Page 764, Register's Office for Davidson County, Tennessee and being more particularly described according to a survey prepared by Wamble & Associates, PLLC, dated March 24, 2017 as follows:

Beginning at an Iron Rod (Old) on the northerly right-of-way of Swiss Avenue (50' R.O.W.), being the southwest corner of the property conveyed to 220 Knolls Limited Partnership of record in Deed Book 8523, Page 83 and being further described as Sunchase Knolls Development of record in Plat Book 6250, Page 431, Register's Office for Davidson County, Tennessee;

Thence, following the northerly right-of-way of Swiss Avenue with a curve to the left having a central angle of 101 Degrees 16 Minutes 35 Seconds, a radius of 313.48 Feet, an arc length of 554.11 Feet and a chord bearing and length of South 45 Degrees 59 Minutes 53 Seconds West, 484.74 Feet to an Iron Rod (Old); Thence, South 04 Degrees 22 Minutes 14 Seconds East, 170.49 Feet to an Iron Rod (New), being the northeast corner of the property conveyed to Mountain Brook, GP of record in Instrument No. 20130313-0025127 and being shown as Lot 4 on the final plat of Valley Brook Townhomes of record in Plat Book 7900, Page 647, Register's Office for Davidson County, Tennessee; Thence, leaving said right-of-way of Swiss Avenue and following the northerly boundary of said Mountain Brook, GP property South 89 Degrees 45 Minutes 46 Seconds West, 255.54 Feet to an Iron Rod (New); Thence, North 03 Degrees 52 Minutes 46 Seconds East, 194.97 Feet to an Iron Rod (New); Thence, North 63 Degrees 02 Minutes 06 Seconds West, 274.94 Feet to an Iron Rod (Old) on the easterly right-of-way of Zermatt Avenue (50' R.O.W.); Thence, leaving said Mountain Brook, GP property and following said easterly right-of-way of Zermatt Avenue North 23 Degrees 53 Minutes 13 Seconds East, 755.00 Feet to an Iron Rod (New); Thence, with a curve to the left having a central angle of 38 Degrees 44 Minutes 23 Seconds, a radius of 451.67 Feet, an arc length of 305.39 Feet and a chord bearing and length of North 04 Degrees 31 Minutes 02 Seconds East, 299.61 Feet to an Iron Rod (New); Thence, North 14 Degrees 51 Minutes 09 Seconds West, 199.03 Feet to an Iron Rod (New); Thence, with a curve to the right having a central angle of 23 Degrees 59 Minutes 58 Seconds, a radius of 275.00 Feet, an arc length of 115.19 Feet and a chord bearing and length of North 02 Degrees 51 Minutes 09 Seconds West, 114.35 Feet to an Iron Rod (New);Thence, North 09 Degrees 08 Minutes 51 Seconds East, 88.73 Feet to an Iron Rod (New); Thence, with a curve to the right having a central angle of 89 Degrees 59 Minutes 36 Seconds, a radius of 25.00 Feet, an arc length of 39.27 Feet and a chord bearing and length of North 54 Degrees 08 Minutes 40 Seconds East, 35.35 Feet to an Iron Rod (Old) on the southerly right-of-way of Old Hickory Boulevard (R.O.W. Varies); Thence, following the southerly right-of-way of said Old Hickory Boulevard South 80 Degrees 51 Minutes 32 Seconds East, 344.02 Feet to an Iron Rod (New),

being the northwest corner of the aforementioned 220 Knolls Limited Partnership property; Thence, leaving said southerly right-of-way of Old Hickory Boulevard and following the westerly boundary of said 220 Knolls Limited Partnership property South 08 Degrees 49 Minutes 07 Seconds West, passing over an Iron Rod (Old) at 20.03 Feet and continuing for a total length of 815.61 Feet to an Iron Rod (Old); Thence, South 74 Degrees 29 Minutes 13 Seconds East, 354.48 Feet to an Iron Rod (Old); Thence, with a curve to the left having a central angle of 09 Degrees 00 Minutes 06 Seconds, a radius of 1524.78 Feet, an arc length of 239.56 Feet and a chord bearing and length of South 11 Degrees 00 Minutes 59 Seconds West, 239.31 Feet to an Iron Rod (Old); Thence, South 06 Degrees 17 Minutes 05 Seconds West, 25.12 Feet to the Point of Beginning.

Containing 664,001 Square Feet or 15.24 Acres.