Bill Garrett Davidson County
Batch# 107579 DEEDWARR
06/22/2018 02:35:17 PM 6 pgs
Fees: $33.00 Taxes: $1,906.81
20180622-0060579

GENERAL WARRANTY DEED

FROM: ALTITUDE AT 41 LLC,
Grantor

This instrument was prepared by:
Jeffrey R. King
Stites & Harbison, PLLC
Suite 800
401 Commerce Street
Nashville, Tennessee 37219

TO: RONALD C. TOSKI and
MARGARET A. TOSKI,
Grantees

Address New Owner(s) as Follows:	Name and Address of the Person or Entity Responsible for the Payment of Real Property Taxes:	Map-Parcel Numbers:
~~7627 Portstewart Drive~~ ~~Lakewood Ranch, FL 34202~~ PO Box 506 Clarence, NY 14031	[New owner]	Map 050-00-0 Parcel 073.00

STATE OF New York)
COUNTY OF Erie)

The actual consideration or value, whichever is greater, for this transfer is Five Hundred Fifteen Thousand Three Hundred Fifty-Four and 22/100 Dollars ($515,354.22).

Affiant

SUBSCRIBED AND SWORN TO before me, this the 20th day of June, 2018.

Notary Public

My Commission Expires: 10/17/2018

URSZULA GOLODOLINSKI
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
LIC. #01GO5034607
COMM. EXP. OCT. 17, 2018

FOR AND IN CONSIDERATION OF the sum of Five Hundred Fifteen Thousand Three Hundred Fifty-Four and 22/100 Dollars ($515,354.22), the receipt and sufficiency of which are

hereby acknowledged, Altitude at 41 LLC, a New York limited liability company ("Grantor"), has bargained and sold, and by these presents does transfer and convey unto Ronald C. Toski and wife, Margaret A. Toski ("Grantees"), their heirs, successors and assigns, a fifty percent (50%) tenant in common interest in a certain tract or parcel of land in Davidson County, State of Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

The Property is unimproved property and is known as 927 Old Due West Avenue, Madison, Tennessee 37115.

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with the appurtenances, estate, title and interest thereto belonging to Grantees, their heirs, successors and assigns forever.

And Grantor does covenant with Grantees that Grantor is lawfully seized and possessed of the Property in fee simple, Grantor has a good right to convey the Property, and the Property is unencumbered and unrestricted except as to those matters set forth on Exhibit B, to which this conveyance is expressly made subject.

Grantor does further covenant and bind Grantor, its successors and assigns, to warrant and forever defend the title to the Property to Grantees, their heirs, successors and assigns, against the lawful claims of all persons whomsoever except as to those matters set forth on Exhibit B, to which this conveyance is expressly made subject.

Witness my hand this 20th day of June, 2018.

ALTITUDE AT 41 LLC, a New York limited liability company

By: _____

Name: Anthony J Cutaia

Title: Managing Member

STATE OF New York)
COUNTY OF Erie)

Before me, Dawn M. Blickenstaff Schwanz a Notary Public of said County and State, personally appeared Anthony Cutaia, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be Managing Member (or other officer authorized to execute the instrument) of ALTITUDE AT 41 LLC, the within named bargainor, a New York limited liability company, and that he as such Managing Member executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as its Managing Member.

Witness my hand and seal, at Office in Amherst, NY, this 20th day of June, 2018.

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 Description

Parcel 73, on Metro Property Map 50

Land situated in the 8th Councilmanic District of Nashville, Davidson County, Tennessee; lying on the North side of Old Due West Avenue, described according to a survey dated May 4, 2018, prepared by Wamble & Associates, PLLC, 40 Middleton Street Nashville, Tennessee 37210, W & A File #919-0118 and being more particularly described with metes and bounds as follows:

Beginning in the North right-of-way line of Old Due West Avenue, at the southeast corner of the Davidson Farmers Cooperative property, shown as Parcel 71 on Metro Property Map 50-00, of record in Deed Book 9478, Page 852, R.O.D.C., Tennessee; said point also being the southwest corner of the Tract herein being described as follows:

1. Thence, leaving said right-of-way of Old Due West Avenue and following the East boundary of said Davidson Famers Cooperative property North 07 Degrees 09 Minutes 12 Seconds West, 277.74 Feet to an Iron Rod (Old); Thence, continuing with said Co-op property North 05 Degrees 36 Minutes 32 Seconds West, 274.88 Feet to Iron Rod (Old) at the northeast corner of said Co-op property, also being the southeast corner of Mike and Karen Rippetoe property shown as Parcel 98 on Metro Property Map 50-00, of record in Instrument No. 20121025-0098000, Register's Office for Davidson County, Tennessee.

2. Thence, following the East boundary of said Rippetoe property, North 05 Degrees 36 Minutes 32 Seconds West, 398.13 Feet to Iron Rod (Old) at the northeast corner of said Rippetoe property; said point also being the northwest corner of subject tract; said Iron Rod also being in the South line of a Tract owned by Metro Government, referenced as Parcel 69, on Metro Property Map 50-00, of record in Instrument No. 20131022-0110200, R.O.D.C., Tennessee.

3. Thence, leaving said Rippetoe property and following for a short distance the South boundary of said Metro Government Tract, and then following the South boundary line of the Nesuan Naif Chalky property shown as Parcel 65, on Metro Property Map 50-00, of record in Instrument No. 20140408-0029146, R.O.D.C., Tennessee, South 84 Degrees 13 Minutes 49 Seconds East, 757.54 Feet to Iron Rod (Old) in the West boundary line of Children of God Opening Doors, Inc. property, shown as Parcel 46 on Metro Property Map 51-01, of record in Instrument No. 20030324-0038929, R.O.D.C., Tennessee, said Iron Rod also being in the northern most northeastern corner of subject tract.

4. Thence, following the West boundary of said Children of God property, South 06 Degrees 49 Minutes 55 Seconds West, 379.15 Feet to a Mag Nail (Old) found in the root a large Hackberry Tree, said Nail being the southwest corner of said Children of God property; Thence continuing along with the South boundary of said Children of God Tract, South 84 Degrees 35 Minutes 32 Seconds East, 567.93 Feet to Iron Rod (Old), being in the common corner of two tracts owned by Children of God Opening Doors, Inc., being the southeast corner of previously mentioned Children of God Tract and the southwest corner of another Tract owned by Children of God Opening Doors, Inc., shown as Parcel 16, on Metro Property Map 51-05 of record in Instrument No. 20030324-0038929, R.O.D.C., Tennessee; Thence, continuing with the second Children of God Tract, South 84 Degrees 11 Minutes 02 Seconds East, 109.67 Feet to Iron Rod (Old); said Iron Rod being the northwest corner of the John Sherrod, III property, shown as Parcel 19, on Metro Property Map 51-00 of record in Instrument No. 20141112-0104078, R.O.D.C., Tennessee.

5. Thence, following the West boundary of said Sherrod property, South 06 Degrees 27 Minutes 19 Seconds West, 616.44 Feet to Iron Rod (New), on the North right-of-way line of Old Due West Avenue, said Iron Rod being the southwest corner of said Sherrod property and the southeast corner of subject tract.

6. Thence, following the North right-of-way of said Old Due West Avenue, South 88 Degrees 28 Minutes 54 Seconds West, 491.59 Feet to Iron Rod (New); thence continuing with said right-of-way with a curve to the Left having a central angle of 07 Degrees 22 Minutes 09 Seconds, a radius of 1200.00 Feet, an arc length of 154.34 Feet, and a chord bearing and length South 84 Degrees 47 Minutes 50 Seconds West, 154.23 Feet to Iron Rod (New); Thence continuing with said right-of-way with a curve to the right having a central angle of 36 Degrees 31 Minutes 06 Seconds, a radius of 300.00 feet, an arc length of 191.21 Feet and a chord bearing and length of North 80 Degrees 37 Minutes 42 Seconds West, 187.99 Feet to Iron Rod (New); Thence continuing with said right-of-way North 62 Degrees 22 Minutes 11 Seconds West, 265.74 Feet to an Iron Rod (New); Thence continuing along said right-of-way with a curve to the left having a central angle of 12 Degrees 32 Minutes 21 Seconds, a radius of 725.00 Feet, an arc length of 158.67 Feet, and a chord bearing and length of North 68 Degrees 40 Minutes 44 Seconds West, 158.35 Feet to the Point of Beginning.

Containing 1,105,632 Square Feet or 25.38 Acres.

Being part of the same property conveyed to Altitude at 41 LLC, by deed from Steve and Terry Denny and Scotty Chambliss, of record as Instrument No. 20180510-0044840, Register's Office for Davidson County, Tennessee.

Property subject to an easement for overhead utility lines along the southerly boundary at Old Due West Avenue and for an 8" water line along the southeasterly boundary at Old Due West Avenue.

EXHIBIT B

Encumbrances

1. Taxes for 2018 constitute a lien, but are not yet due and payable.

2. Rights of upper and lower riparian owners in and to the free and unobstructed flow of the water extending through the subject property, without diminution.

3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to kaolin, coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that any be produced from the subject property, together with all rights, privileges, and immunities relating thereto whether or not listed herein. No representation is made as to the present ownership of any such interests.

4. Subject to Cemetery and ingress and egress to said cemetery as set forth in Instrument No. 20131223-0129447, Davidson County, Tennessee Records,

5. Any right or claim because of dedication or use of a portion of the land as a cemetery or burial ground, including:

a. Rights, interests, and easements of any persons who have burial lots, their relatives, and the public in the land.

b. Easements for visitation, maintenance, use, driveways, and access.

c. Rights of parties entitles thereto to keep therein the bodies and remains of deceased persons now interred thereon.

6. Any rights, easements, interest or claims that may exist by reason of or reflected by the following facts shown on the survey entitled, "ALTA/NSPS Land Title Survey of Map 50-00, Parcel 73.00, 8th Councilmanic District, Davidson County, Tennessee for Altitude at 41, LLC", by Wamble & Associates, W&A File No. 919-0118, Field Date: April 23, 2018, Dated: May 4, 2018: (a) Overhead power line overlaps property line, no easement found, (b) New 8" water line not in service at time of survey, no easement found.

7. Terms, conditions, and provisions of an unrecorded billboard sign lease in favor of Lamar Corporation aka The Lamar Companies.