# SPECIAL WARRANTY DEED

Karen Y Johnson Davidson County
Batch# 143388 DEEDWARRSP
09/20/2018 12:41:30 PM 8 pgs
Fees: $43.00 Taxes: $21,090.00
20180920-0093320

**Grantor:** FDS Nashville, LLC

**Grantor's Mailing Address:** c/o FD Stonewater, LLC
1001 19th Street N., Suite 1401
Arlington, VA 22209
Attention: General Counsel

**Grantee:** Boyd Nashville III, LLC, a Delaware limited liability company

**Grantee's Mailing Address and Send Tax Bills to:** c/o Boyd Watterson Asset Management
Attention: Kathleen Herrin
One N. Wacker Drive, Suite 4025
Chicago, Illinois 60606

This instrument prepared by and
After Recording, Please Mail to:
Boyd Nashville III, LLC
c/o Boyd Watterson Asset Management
Attention: Kathleen Herrin
One N. Wacker Drive, Suite 4025
Chicago, IL 60606

Tax Map No: 106-00-0-027
Consideration: $5,700,000.00

## SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** (this "Deed") is dated and made as of the 19th day of September, 2018, by **FDS NASHVILLE, LLC**, a Delaware limited liability company ("Grantor"), with an address of 1001 19th Street N., Suite 1401, Arlington, VA 22209, to and in favor of BOYD NASHVILLE III, LLC a Delaware limited liability company ("Grantee") with an address of c/o Boyd Watterson Asset Management, One N. Wacker Drive, Suite 4025, Chicago, Illinois 60606

Record & Return to:
Fidelity National Title Insurance Company
NATIONAL COMMERCIAL SERVICES | D.C.
1620 L Street, NW, 4th Floor
Washington, DC 20036
File #: DPN 18-001299 (TN LR) 1/1

**WITNESSETH:**

That Grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situated at 340 Plus Park Boulevard, Nashville, TN, more particularly described as follows:

See Exhibit "A" attached hereto (the "**Property**")

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT, HOWEVER, to those covenants, agreements, easements, charges, liens, restrictions, reservations and other encumbrances, relating to the property on the date hereof as set forth in Exhibit "B".

SUBJECT to the matters disclosed on Exhibit "B", said Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land and Grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

[Signature Page Follows]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be duly executed under seal as its free act and deed for the uses and purposes herein contained as of the date first hereinabove written.

**GRANTOR:**

FDS NASHVILLE, LLC,
a Delaware limited liability company

By:_____(SEAL)
Claiborne Williams, Managing Member

STATE OF California
COUNTY OF Los Angeles

Before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared this date Claiborne Williams, personally well known (or satisfactorily proven) to me to be the Managing Member of FDS Nashville, LLC, a Delaware limited liability company, and the person whose name is subscribed to the foregoing and annexed Special Warranty Deed, who, being by me first duly sworn, did acknowledge that the company is a party to the foregoing and annexed Special Warranty Deed, and that he, being duly authorized so to do, executed said Special Warranty Deed on behalf of and in the name of said company as her free act and deed for the uses and purposes therein contained.

WITNESS my hand and official seal this 17 day of September, 2018.

CHRISTIAN MENA
Notary Public - California
Los Angeles County
Commission # 2155038
My Comm. Expires May 28, 2020

Notary Public

My Commission Expires: 05/28/2020

Please See attached California Acknowledgment

[Notarial Seal]

**After recording, send original to:**
**Boyd Nashville III, LLC**
**c/o Boyd Watterson Asset Management**
**Attention: Kathleen Herrin**
**One N. Wacker Drive, Suite 4025 Chicago, IL 60606**

# CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

On 09/17/2018 before me, Christian Mena, (Here insert name and title of the officer)

personally appeared Claiborne Williams,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

CHRISTIAN MENA
Notary Public - California
Los Angeles County
Commission # 2155038
My Comm. Expires May 28, 2020

Notary Public Signature (Notary Public Seal)

## ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date ____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer

(Title)

- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other ____

2015 Version www.NotaryClasses.com 800-873-9865

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~ ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

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

The actual consideration or value, whichever is greater for this transfer is $5,700,000.00.

Affiant

Subscribed and sworn to before me this the 17 day of September, 2018.

Notary Public

My Commission Expires: July 2, 2022

CHRISTOPHER ROBERT AMENE
Notary Public - California
Los Angeles County
Commission # 2248683
My Comm. Expires Jul 2, 2022

EXHIBIT A

Legal Description of the Land

Land in Davidson County, Tennessee, being Lot(s) 20, as shown on the map entitled Plus Park, of record in Book 5190, page 474, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Together with the beneficial rights of use of the 30' common access easement as shown on Plat book 5190, page 474, said Register's Office.

Being the same property conveyed to FDS Nashville, LLC by deed of record as Instrument No. 20161216-0132456, dated December 15, 2016, Register's Office of Davidson County, Tennessee.

EXHIBIT B

Reservations and Exceptions

If improvements are completed after January 1 of any year, the law requires supplemental assessment for the year in which improvements are completed as defined by statute. We assume no liability for taxes assessed by correction pursuant to the provisions of Tennessee Code Annotated, Section 67-5-603 et seq.

Taxes for the year 2018, a lien, ot yet due and payable.

Subject to all matters shown on the Plan of record in Plat Book 4300, Page 77, Register's Office for Davidson County, Tennessee.

Subject to all matters shown on the Plan of record in Plat Book 5190, Page 474, Register's Office for Davidson County, Tennessee.

Deed of Conveyance for Water and Sewer Mains of record inBook 5531, Page 180 & Page 185, in the Register's Office for Davidson County, Tennessee.

Easements identified and described in paragraphs 3 and 4 of the enumerated encumbrances of the deed of record in Book 5561, Page 580, in the Register's Office for Davidson County, Tennessee.

Restrictive covenants running with the land and identified as rights of McDowell Development Corporation, as further referenced and described in deed of record in Book 5561, Page 580, in the Register's Office for Davidson County, Tennessee.

Declaration of Restrictions and Covenants for Stormwater Facilities and Systems of record inInstrument No. 20170424-0039871, in the Register's Office for Davidson County, Tennessee.

Declaration of Restrictions and Covenants for Stormwater Facilities and Systems of record inInstrument No. 20171120-0119085, in the Register's Office for Davidson County, Tennessee.

Survey No. 2018082o-1 prepared by Robert Paul Bannerman, TN RLS # 2037 of American National and dated September 5, 2018 indicates the following:
a. Concrete drainage swale encroaches right of way a maximum of 1.9'
b. Guy wires are located outside of easement a maximum of 2.4'
c. Overhead utility line crossing in southerly portion

Terms, conditions, and provisions of the unrecorded lease by and between FDS Nashville, LLC, a Delaware limited liability company, as Landlord, and The United States General Service Administration, as Tenant, and known as Lease No. GS-04P-LTN-60323, as may be amended from time-to-time.

Certificate of Authenticity

I, Heather Wood, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Heather Wood

Signature

State of Tennessee

County of Williamson

Personally appeared before me, Ashley Osgood, a notary public for this county and state, Heather Wood who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Ashley Osgood

Notary's Signature

My Commission Expires: 11/9/2019.

Notary's Seal (If on paper)

ASHLEY N OSGOOD
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF KNOX