Karen Johnson Davidson County
Batch# 538502 DEEDWARRSP
12/18/2020 04:19:30 PM 9 pgs
Fees: $48.00 Taxes: $37,370.00
20201218-0150625

Return to:
Katrina Haynes
First National Financial Title Services, LLC
3301 Windy Ridge Parkway, Suite 300
Atlanta, GA 30339
770-916-4353
File No. TN251804064J

This instrument prepared by ~~and when recorded mail to~~:
Troutman Pepper Hamilton Sanders LLP
600 Peachtree Street, NE, Suite 3000
Atlanta, Georgia 30308
Attention: W. Nicolas Harper

SPECIAL WARRANTY DEED

Address of New Owner and Send Tax Bills To:	Map Parcel Numbers:
Brand Berry Hill Apartments, LLC	118-03-0-005.00
3328 Peachtree Road, NE, Suite 100	118-03-0-088.00
Atlanta, Georgia 30326	118-03-0-092.00
Attention: R. Brand Morgan	118-07-0-221.00

FOR AND IN CONSIDERATION of the sum of Ten dollars and no/100 ($10.00), cash in hand paid by the Grantee and other good and valuable consideration accepted as cash, the receipt and sufficiency of which is hereby acknowledged, **ERBAN COMMERCIAL REALTY, L.P.**, the Grantor herein, has this day bargained and sold, and does hereby transfer and convey unto **BRAND BERRY HILL APARTMENTS, LLC**, the Grantee herein, its successors, heirs and assigns, that certain unimproved real estate located in Davidson County, Tennessee, described in Exhibit A attached hereto.

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title and interest thereto belonging, to the Grantee, its successors, heirs and assigns forever. Grantor covenants that it is lawfully seized and possessed of said real estate in fee simple, has a good right to sell and convey the same, and that the same is unencumbered, except for (i) any taxes not yet due but constituting a lien which are assumed by Grantee and (ii) the matters described on Exhibit B.

Grantor further covenants and binds its successors and representatives, to warrant and forever defend the title to said real estate to said Grantee, its successors, heirs and assigns, against the lawful claims of all persons claiming by, through, or under Grantor, but no others.

[SIGNATURES APPEAR ON NEXT PAGE]

Witness our hand as of the 18 day of December, 2020, the corporate party, if any, having caused its name to be signed hereto by its duly authorized officers as of said day and date.

ERBAN COMMERCIAL REALTY, L.P., a Tennessee limited partnership

By: Buchi, Inc., a Tennessee corporation
Its: General Partner

By: Sharon Tillman
Name: Sharon Tillman
Title: President

STATE OF Tennessee
COUNTY OF Davidson

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Sharon Tillman, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged herself to be the President of Buchi, Inc., a Tennessee corporation, which is the General Partner of Erban Commercial Realty, L.P., a Tennessee limited partnership, the within named bargainor, and that acting in such capacity, and authorized so to do, executed the foregoing instrument in behalf of said partnership for the purposes therein contained.

Witness my hand and official seal, at office in Nashville, TN, this 10 day of December, 2020.

Jennifer L. Johnson
Notary Public

JENNIFER L. JOHNSON STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY MY COMMISSION EXPIRES 10-2-2023

My Commission Expires: 10/2/2023

STATE OF Tennessee
COUNTY OF Davidson

The actual consideration or value, whichever is greater, for this transfer is $10,100,000.00.

Sharon Tillman
Affiant

JENNIFER L. JOHNSON STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY MY COMMISSION EXPIRES 10-2-2023

Subscribed and sworn to before me this the 10 day of December, 2020.

Jennifer L. Johnson
Notary Public

My commission expires: 10/2/2023

111247927

EXHIBIT A

LEGAL DESCRIPTION

TRACT I:

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING PARTS OF LOTS 1, 3, 4 AND 5, ON THE PLAN OF THE MARY B. ARMISTEAD LANDS, AS OF RECORD IN PLAN BOOK 2, PAGE 73, CHANCERY COURT, AND BEING PART OF A TRACT MARKED BASS LANDS, LYING NORTH OF PARTS OF LOTS 1 AND 3, AND DESCRIBED ACCORDING TO A SURVEY MADE BY JAMES A. HAMILTON, JR., ENGINEER, ON JAN. 15, 1966, AS FOLLOWS:

BEGINNING AT A MONUMENT IN THE NORTHERLY MARGIN OF BERRY LANE, AS WIDENED, AT THE INTERSECTION WITH THE EASTERLY BOUNDARY OF THE LOUISVILLE & NASHVILLE RAILWAY RIGHT OF WAY; SAID POINT BEING 33 FEET EAST OF THE CENTERLINE OF THE NORTH BOUND MAIN TRACT OF SAID RAILWAY; THENCE WITH THE EASTERLY BOUNDARY OF SAID RIGHT OF WAY ALONG A SLIGHT CURVE, 306.86 FEET TO A POINT; AND CONTINUING WITH SAID RIGHT OF WAY, NORTHWARDLY 113.79 FEET TO A MONUMENT; THENCE NORTH 23° 39' 23" EAST 210 FEET TO A POINT; THENCE NORTH 29° 36' EAST 72.30 FEET TO A POINT; THENCE NORTH 37° 30' 52" EAST 84.76 FEET TO A POINT IN THE TENNESSEE CENTRAL RAILWAY RIGHT OF WAY; THENCE ALONG THE SAME, NORTH 43° 58' EAST 89.65 FEET TO A POINT; THENCE NORTH 45° 23' 40" EAST 164.02 FEET TO A POINT; THENCE NORTH 48° 15' 48" EAST 75.05 FEET TO A POINT; THENCE NORTH 49° 41' EAST 42 FEET TO A POINT; THENCE NORTH 19° 00' WEST 26.84 FEET TO A POINT; THENCE NORTH 49° 41' EAST 866.81 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 18° 06' 40" EAST 125.15 FEET; THENCE SOUTH 65° 27' 30" WEST 13.58 FEET TO A POINT; THENCE SOUTH 18° 43' 35" EAST 379.63 FEET; THENCE SOUTH 73° 03' 20" WEST 20.33 FEET TO A POINT; THENCE SOUTH 19° EAST 46.08 FEET TO A POINT AT THE NORTHEAST CORNER OF FESSEY COURT SUBDIVISION AS OF RECORD IN BOOK 1835, PAGE 72; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID SUBDIVISION, SOUTH 49° 42' 15" WEST 375.62 FEET TO A POINT; THENCE WITH THE WESTERLY BOUNDARY OF SAID SUBDIVISION, SOUTH 19° EAST 459 FEET TO A POINT IN THE NORTHERLY MARGIN OF BERRY LANE, AS WIDENED; THENCE WITH THE MARGIN OF THE SAME, NORTH 72° 03' 20" EAST 1100.64 FEET TO THE POINT OF BEGINNING.

INCLUDED IN THE ABOVE DESCRIBED PROPERTY, BUT EXPRESSLY EXCLUDED ARE THE TRACTS OF LAND CONVEYED BY DEEDS OF RECORD IN BOOK 10338, PAGE 800, SAID REGISTER'S OFFICE; BOOK 9901, PAGE 19, SAID REGISTER'S OFFICE; BOOK 5644, PAGE 588, SAID REGISTER'S OFFICE; BOOK 6076, PAGE 212, SAID REGISTER'S OFFICE; BOOK 9071, PAGE 650, SAID REGISTER'S OFFICE; BOOK 6833, PAGE 329, SAID REGISTER'S OFFICE; BOOK 7121, PAGE 535, SAID REGISTER'S OFFICE; BOOK 6076, PAGE 356, SAID REGISTER'S OFFICE; BOOK 4228, PAGE 10, SAID REGISTER'S OFFICE; BOOK 5397, PAGE 367, SAID REGISTER'S OFFICE; BOOK 5913, PAGE 730, SAID

REGISTER'S OFFICE; BOOK 5959, PAGE 308, SAID REGISTER'S OFFICE; AND BOOK 9071, PAGE 650, SAID REGISTER'S OFFICE.

BEING PROPERTY CONVEYED TO ERBAN COMMERCIAL REALTY, L.P., FROM ERNEST R. BUCHI BY QUITCLAIM DEED OF RECORD IN BOOK 11273, PAGE 232, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

TRACT II:

LAND IN THE 29TH COUNCILMANIC DISTRICT OF DAVIDSON COUNTY, TENNESSEE, AND SHOWN AS TRACT "E" ON A BOUNDARY SURVEY PREPARED BY SOUTHERN LAND AND ASSOCIATES, INC., DATED AUGUST 20, 1975, AND DESCRIBED THEREON TO-WIT:

BEGINNING AT A POINT IN THE EASTERLY BOUNDARY OF FESSEY PARK ROAD, THE NORTHWEST CORNER OF PARCEL "D" THENCE WITH THE EASTERLY BOUNDARY OF FESSEY PARK ROAD NORTH 03 DEGREES 24 MINUTES 47 SECONDS WEST 328.53 FEET TO A POINT THENCE NORTH 86 DEGREES 35 MINUTES 13 SECONDS EAST 148.94 FEET TO A POINT THENCE SOUTH 04 DEGREES 59 MINUTES 04 SECONDS EAST 181.31 FEET TO A POINT THENCE NORTH 86 DEGREES 35 MINUTES 13 SECONDS EAST 57.35 FEET TO A POINT IN THE WEST PROPERTY LINE OF THE BRANSFORD HOUSE APARTMENTS THENCE WITH THE WEST PROPERTY LINE OF SAID BRANSFORD HOUSE APARTMENTS SOUTH 01 DEGREES 56 MINUTES WEST 166.56 FEET TO A POINT BEING THE NORTHEAST CORNER OF PARCEL "D" THENCE WITH A COMMON LINE BETWEEN PARCELS "D" AND "E" SOUTH 86 DEGREES 35 MINUTES 13 SECONDS WEST 197.48 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY ONE AND ONE HALF ACRES.

BEING PROPERTY CONVEYED TO ERBAN COMMERCIAL REALTY, L.P., FROM ERNEST R. BUCHI BY QUITCLAIM DEED OF RECORD IN BOOK 11273, PAGE 234, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

TRACT III:

(2600 FESSEY PARK ROAD, NASHVILLE, DAVIDSON COUNTY, TENNESSEE)

LAND LYING IN THE 29TH COUNCILMANIC DISTRICT, DAVIDSON COUNTY, TENNESSEE, AS SURVEYED BY SOUTHERN LAND & ASSOCIATES, INC., AUGUST 26, 1975, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE EAST LINE OF FESSEY PARK ROAD AS SHOWN ON THE MASTER PLAN OF THE BOUNDARY SURVEY FOR ERNEST BUCHI OF BERRY HILL INDUSTRIAL PARK AS SURVEYED BY SOUTHERN LAND & ASSOCIATES, INC., AUGUST 26, 1975, THE NORTHWEST CORNER OF TRACT "E" AND THE SOUTHWEST CORNER OF THIS DESCRIBED TRACT; THENCE WITH SAID EAST LINE NORTH 03° 24' 47" WEST 245.06 FEET TO AN IRON PIN; THENCE CONTINUING WITH FESSEY PARK

ROAD IN AN EASTERLY DIRECTION NORTH 86° 35' 13" EAST 183.00 FEET TO AN IRON PIN, SAID POINT BEING THE NORTHWEST CORNER OF TRACT "J" AND THE NORTHEAST CORNER OF THIS DESCRIBED TRACT; THENCE WITH THE WEST LINE OF TRACT "J" SOUTH 03° 24' 47" EAST 245.06 FEET TO AN IRON PIN LOCATED IN THE NORTH LINE OF TRACT "F"; THENCE WITH THE NORTH LINE OF TRACT "F" AND THE NORTH LINE OF TRACT "E", SOUTH 86° 35' 13" WEST 183.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.02 ACRES, MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS SET FORTH AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE NORTHERLY MARGIN OF BERRY ROAD, SAID POINT BEING LOCATED SOUTH 72° 06' 20" WEST 169.73 FEET FROM THE SOUTHWEST CORNER OF THE BRANSFORD HOUSE APARTMENTS PROPERTY, OF RECORD IN BOOK 4750, PAGE 175, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, THENCE FOLLOWING THE EASTERLY MARGIN OF THE SAID ROAD AROUND A CURVE TO THE RIGHT (RADIUS = 25 FEET) 45.59 FEET TO AN IRON PIN; THENCE FOLLOWING THE EASTERLY MARGIN OF FESSEY PARK ROAD, NORTH 3° 24' 47" WEST 698.59 FEET TO AN IRON PIN; THENCE ALONG THE SOUTHERLY MARGIN OF FESSEY PARK ROAD, NORTH 86° 35' 13" EAST 183 FEET TO AN IRON PIN; THENCE NORTH 3° 24' 47" WEST 50 FEET TO A POINT IN THE NORTHERLY MARGIN OF SAID ROAD; THENCE SOUTH 86° 35' 13" WEST 252.98 FEET ALONG THE NORTHERLY MARGIN OF SAID ROAD TO AN IRON PIN; THENCE SOUTH 3° 24' 47" EAST 727.15 FEET ALONG THE WESTERLY MARGIN OF SAID FESSEY PARK ROAD TO AN IRON PIN; THENCE CURVING SOUTHEASTERLY (RADIUS = 25 FEET) 20.58 FEET TO AN IRON PIN; THENCE CURVING SOUTHWESTERLY (RADIUS = 25 FEET) 20.58 FEET TO ANOTHER IRON PIN; THENCE SOUTH 3° 24' 47" EAST 31 FEET TO A POINT IN THE NORTHERLY MARGIN OF BERRY ROAD, SAID POINT BEING THE INTERSECTION OF THE WESTERLY MARGIN OF SAID FESSEY PARK ROAD WITH BERRY ROAD; THENCE NORTH 72° 06' 20" EAST, A DISTANCE OF 88.05 FEET TO THE POINT OF BEGINNING.

TRACT IV:

(708 BERRY ROAD, NASHVILLE, DAVIDSON COUNTY, TENNESSEE)

LAND LYING IN THE 29TH COUNCILMANIC DISTRICT, DAVIDSON COUNTY, TENNESSEE, AS SURVEYED BY SOUTHERN LAND & ASSOCIATES, INC., AUGUST 26, 1975, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE NORTH RIGHT-OF-WAY OF BERRY ROAD, SAID IRON PIN BEING THE SOUTHWEST CORNER OF THE BRANSFORD HOUSE APARTMENTS PROPERTY AS RECORDED IN BOOK 4750, PAGE 175, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE AND THE SOUTHEAST CORNER OF THIS DESCRIBED TRACT; THENCE ALONG THE NORTH RIGHT OF WAY OF BERRY ROAD SOUTH 72° 06' 20" WEST 169.73 FEET TO AN IRON PIN, SAID IRON PIN BEING

THE INTERSECTION OF BERRY ROAD AND FESSEY PARK ROAD AS SHOWN ON THE MASTER PLAN OF THE BOUNDARY SURVEY FOR ERNEST BUCHI OF BERRY HILL INDUSTRIAL PARK AS SURVEYED BY SOUTHERN LAND & ASSOCIATES, INC., AUGUST 26, 1975, AND THE MOST SOUTHERLY CORNER OF THIS DESCRIBED TRACT; THENCE LEAVING THE NORTH RIGHT OF WAY OF BERRY ROAD WITH A CURVE TO THE RIGHT (RADIUS = 25.00 FEET) 45.59 FEET TO AN IRON PIN, SAID IRON PIN BEING THE EAST LINE OF FESSEY PARK ROAD; THENCE ALONG THE EAST LINE OF FESSEY PARK ROAD NORTH 03° 24' 47" WEST 125.00 FEET TO AN IRON PIN, SAID IRON PIN BEING THE NORTHWEST CORNER OF THIS DESCRIBED TRACT; THENCE LEAVING THE EAST LINE OF FESSEY PARK ROAD, NORTH 86° 35' 13" EAST 197.48 FEET TO AN IRON PIN, SAID IRON PIN BEING IN THE WEST PROPERTY LINE OF THE BRANSFORD HOUSE APARTMENTS PROPERTY AND THE NORTHEAST CORNER OF THIS DESCRIBED TRACT; THENCE WITH THE WEST PROPERTY LINE OF SAID APARTMENTS PROPERTY AS FOLLOWS: SOUTH 01° 56' 00" WEST 18.62 FEET TO AN IRON PIN; THENCE SOUTH 03° 19' 00" EAST 88.22 FEET TO THE POINT OF BEGINNING, CONTAINING 25,611 SQUARE FEET (0.59 ACRES), MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS SET FORTH AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE NORTHERLY MARGIN OF BERRY ROAD, SAID PIN BEING LOCATED SOUTH 72° 06' 20" WEST 169.73 FEET FROM THE SOUTHWEST CORNER OF THE BRANSFORD HOUSE APARTMENTS PROPERTY, OF RECORD IN BOOK 4750, PAGE 175, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE FOLLOWING THE EASTERLY MARGIN OF THE SAID ROAD AROUND A CURVE TO THE RIGHT (RADIUS = 25 FEET) 45.59 FEET TO AN IRON PIN; THENCE FOLLOWING THE EASTERLY MARGIN OF FESSEY PARK ROAD, NORTH 3° 24' 47" WEST 698.59 FEET TO AN IRON PIN; THENCE ALONG THE SOUTHERLY MARGIN OF FESSEY PARK ROAD, NORTH 86° 13' EAST 183 FEET TO AN IRON PIN; THENCE NORTH 3° 24' 47" WEST TO FEET TO A POINT IN THE NORTHERLY MARGIN OF SAID ROAD; THENCE SOUTH 86° 35' 13" WEST 252.98 FEET ALONG THE NORTHERLY MARGIN OF SAID ROAD TO AN IRON FESSEY PARK ROAD TO AN IRON PIN; THENCE CURVING SOUTHEASTERLY (RADIUS = 25 FEET) 20.58 FEET TO ANOTHER IRON PIN; THENCE SOUTH 3° 24' 47" EAST 31 FEET TO A POINT IN THE NORTHERLY MARGIN OF BERRY ROAD, SAID POINT BEING THE INTERSECTION OF THE WESTERLY MARGIN OF SAID FESSEY PARK ROAD WITH BERRY ROAD; THENCE NORTH 72° 06' 20" EAST, A DISTANCE OF 88.05 FEET TO THE POINT OF BEGINNING.

TRACTS III AND IV BEING PROPERTY CONVEYED TO ERBAN COMMERCIAL REALTY, L.P., FROM RICHARD O. QUILL, JR., EXECUTOR OF THE ESTATE OF GLORIA B. QUILL, AND RICHARD O. QUILL, JR., INDIVIDUALLY, BY QUITCLAIM DEED OF RECORD IN INSTRUMENT NO. 20000210001381 6, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

EXHIBIT B

PERMITTED EXCEPTIONS

1. All taxes for the fiscal year 2021 not yet due and payable, and subsequent years.

2. Perpetual Easement and Right of Way from W. F. Fessey and wife, Sue M. Fessey, to the United States of America, dated July 17, 1942, recorded July 20, 1942 in Book 1181, Page 633, in the Register's Office of Davidson County, Tennessee.

3. Grant of Transmission Line Easement from W. F. Fessey and wife, Sue M. Fessey, to the United States of America, dated February 1, 1941, recorded March 13, 1941 in Book 1196, Page 58, in the aforesaid Register's Office.

4. Easements, boundary lines and rights-of-way as shown on Plan of TVA recorded in Book 1205, Page 51, in the aforesaid Register's Office.

5. Easement from W. F. Fessey and wife, Sue M. Fessey, to the City of Nashville, dated July 18, 1949, recorded August 2, 1949 in Book 1731, Page 238, in the aforesaid Register's Office.

6. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage from Ernest R. Buchi to Metropolitan Government of Nashville and Davidson County, Tennessee, dated April 29, 1974, recorded May 17, 1974 in Book 4816, Page 405, in the aforesaid Register's Office

7. Grant of Water Line Easement from Erban Commercial Realty, L.P., to Rita McNamee Smith, dated March 1, 1999, recorded March 18, 1999 in Book 11390, Page 46, in the aforesaid Register's Office.

8. Ingress and egress easements contained in Quitclaim Deed from Richard O. Quill, Jr., Executor of the Estate of Gloria B. Quill, and Richard O. Quill, Jr., individually, to Erban Commercial Realty, L.P., dated January 10, 2000, recorded January 10, 2000 as Instrument No. 200002100013816, in the aforesaid Register's Office.

9. Right of the Railroad Company to expand the right-of-way to the full extent of a charter or as set out in T.C.A. 65-6-109.

10. Easement contained in Warranty Deed from Erban Commercial Realty, L.P., a Tennessee limited partnership, to Corporate Properties, a Tennessee general partnership, dated November 5, 2012, recorded November 8, 2012 in Instrument No. 20121108-0103312, in the aforesaid Register's Office.

11. The following matters shown on that certain ALTA/NSPS Land Title & Topographic Survey prepared by S&ME, bearing the seal of L. Brandon Lambert, RLS No. 2828, dated

October 16, 2020, last revised November 18, 2020, and designated as Project No. 554717041:

a. 10 inch corrugated metal pipe runs under one story block building in the western portion of the subject property;
b. Fences cross the eastern and western property lines;
c. Overhead power lines cross the eastern, western, northern and southern property lines
d. Gas lines cross the eastern and southern property lines;
e. Sanitary sewer lines cross the western and southern property lines;
f. Water line crosses the southern property lines;
g. Storm drainage lines cross the western and northern property lines

True Copy Certification

I, George W. Sutphin, 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.

Signature

State of Georgia
County of Cobb

Personally appeared before me, Jennifer K. Henderson, a notary public for this county and state, George W. Sutphin, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

My Commission Expires: March 10, 2021
Notary' Seal (if on paper)

