Karen Johnson Davidson County
Batch# 753037 DEEDWARRSP
11/10/2021 01:29:21 PM 5 pgs
Fees: $28.00 Taxes: $9,805.00
20211110-0150365

Prepared by:
Laurence M. Papel
Nelson Mullins Riley & Scarborough LLP
150 4th Avenue North, Suite 1100
Nashville, TN 37219

	STATE OF TENNESSEE) **COUNTY OF DAVIDSON)** The actual consideration for this transfer is $2,650,000. **AFFIANT** Subscribed and sworn to before me, this 2nd day of November 2021. **NOTARY PUBLIC** **My Commission Expires:** July 3, 2023
NOTARY SEAL	

TAMMY RHOADES STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

Property Owner and Mail Tax Bills To:	**Property Owner Address:**	**Tax Parcel No.:**
1130 Gallatin Pike LLC c/o ARE Ventures LLC Attn: Colin Brothers 1000 E. Cesar Chavez Street Austin, TX 78702	SAME	051 08 0 218.00

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, **Madison Due West, LLC**, a Tennessee limited liability company ("***Grantor***"), does hereby convey and transfer unto **1130 Gallatin Pike LLC**, a Texas limited liability company ("***Grantee***"), and its successors and assigns all of Grantor's right, title and interest in and to that certain improved real property located at 120 Due West Avenue, Nashville, Davidson County, Tennessee, and more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (the "***Property***").

TO HAVE AND TO HOLD the said tracts or parcels of land with the appurtenances, estate, title, and interest thereto belonging to the said Grantee and Grantee's successors and assigns, forever.

all encumbrances made or suffered by Grantor, except those permitted exceptions as listed on **Exhibit B** and representations and limitations as expressly provided for hereby.

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

[*signature page follows*]

IN WITNESS WHEREOF, Grantor has executed or caused this instrument to be executed on this 3rd day of ~~October~~ November 2021.

GRANTOR:

MADISON DUE WEST, LLC, a Tennessee limited liability company

By: _____
Name: James Lebberes
Title: Manager

ACKNOWLEDGEMENT

STATE of TENNESSEE)
COUNTY of DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, **James Lebberes**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who acknowledged himself to be the Manager of **Madison Due West, LLC**, a Tennessee limited liability company, the within named Grantor, and who acknowledged that, as such Manager, he is authorized to execute the within instrument on behalf of said limited liability company, by signing his name above as such Manager.

WITNESS my hand and official seal at Nashville, Tennessee this 29th day of October, 2021.

_____
Notary Public

My Commission expires: July 3, 2023

TAMMY RHOADES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

EXHIBIT A

Description of the Property

Land referred to herein below is situated in the County of Davidson, State of Tennessee, and described as follows:

Tract I

Being a tract of land lying in Nashville, Davidson County, Tennessee, also being Lot 2 on the subdivision of Due West Shopping Center, as of record in Plat Book 7900, page 609, Register's Office for Davidson County, Tennessee, and being more particularly described according to a survey by R. Scott Cherry T.L.S. No. 1512, dated March 28, 2002, last revised May 8, 2002, as follows:

Beginning at an existing iron rod at the intersection of the northerly right-of-way line of Due West Avenue, 60 feet in width, and the easterly right-of-way line of CSX Transportation Railroad, 85 feet in width;

Thence leaving the northerly right-of-way line of Due West Avenue, with the easterly right-of-way line of CSX Transportation Railroad, North 21° 24' 37" East, 331.37 feet to an existing iron rod at a corner common with the property of MRW Retail Joint Venture as of record in Instrument No. 20010802-0082482, Register's Office for Davidson County, Tennessee, also being Lot 1 of said subdivision of Due West Shopping Center.

Thence leaving the Easterly right-of-way line of CSX Transportation Railroad, with the Southerly property line of said MRW Retail Joint Venture, South 64° 44' 26" East, 347.60 feet to an existing "PK" Nail in the Easterly property line of MRW Retail Joint Venture;

Thence with the easterly property line of said MRW Retail Joint Venture, North 25° 19' 59" East 254.64 feet to an existing "PK" nail in the westerly property line of Rabon W. Johnson and Gary A. Toliver, as of record in Book 9266, page 456, Register's Office for Davidson County, Tennessee.

Thence with the westerly property line of Rabon W. Johnson and Gary A. Toliver, also with the westerly property line of Lot 2, of Yates Motor Co., Inc., property subdivision as of record in Plat Book 4660, page 130, Register's Office for Davidson County, Tennessee, being the property of Yates Motor Co., Inc. as of record in Book 1878, page 93, Register's office for Davidson County, Tennessee, South 22° 42' 20" West, 371.00 feet to an existing iron rod in the northerly right-of-way line of Due West Avenue;

Thence with the Northerly right-of-way line of Due West Avenue, North 85° 09' 00" West, 494.75 feet to the point of beginning.

Tract II

Easement(s) benefitting Tract I as set forth in and created by that certain Deed of Declaration of record in Book 9116, page 593, in the Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Madison Due West, LLC, a Tennessee limited liability company by Special Warranty Deed from Protective Life Insurance Company, a Tennessee corporation of record in Instrument No. 201211160106163, in the Register's Office of Davidson County, Tennessee.

EXHIBIT B

Permitted Exceptions

1. Taxes and assessments for the year 2021 and subsequent years, liens not yet due and payable.

2. All matters shown on Plat of record in Book 7900, Page 609, in the Register's Office for Davidson County, Tennessee.

3. Easement for ingress and egress of record in Book 3308, Page 19, in the Register's Office for Davidson County, Tennessee.

4. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage, of record in Book 3429, Page 88, in the Register's Office for Davidson County, Tennessee.

5. Easements of record in Book 4255, Page 490, in the Register's Office for Davidson County, Tennessee.

6. Overhead Line and Communication Circuits Easement of record in Book 5368, Page 988, in the Register's Office for Davidson County, Tennessee.

7. Deed of Declaration of record in Book 9116, Page 593, in the Register's Office for Davidson County, Tennessee.

8. Reciprocal Ingress, Egress and Parking Easement Agreement of record in Instrument No. 200108020082479, in the Register's Office for Davidson County, Tennessee.

9. Reciprocal Easement Agreement, of record in Instrument No. 200409220114044, in the Register's Office for Davidson County, Tennessee.

10. Easement Deed by Court Order of record in Instrument No. 201401140003779, in the Register's Office for Davidson County, Tennessee.

11. Terms and provisions of unrecorded lease, as evidenced by Memorandum of Lease by and between 805 Realty Corp., a New York corporation and Lebberes Realty Corp., a New York corporation and NPC International, Inc., a Kansas corporation, of record in Instrument No. 201205110040887, in the Register's Office of Davidson County, Tennessee. (as to Parcel Two)

12. Terms and provisions of unrecorded lease, as evidenced by Memorandum of Lease by and between 805 Realty Corp., a New York corporation and Lebberes Realty Corp., a New York corporation and Moran Foods, LLC, of record in Instrument No. 201406030047659, in the Register's Office of Davidson County, Tennessee. (as to Parcel Two)

13. The Charter Right of Way of CSX Railroad.