Karen Johnson Davidson County
Batch# 753037 DEEDWARRSP
11/10/2021 01:29:21 PM 7 pgs
Fees: $38.00 Taxes: $32,745.00
20211110-0150366

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 $8,850,000.00. **AFFIANT** Subscribed and sworn to before me, this 2 day of November 2021. TAMMY RHOADES STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY **NOTARY PUBLIC**
NOTARY SEAL	**My Commission Expires:** July 3, 2023

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 0 020.00

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, **805 Realty Corp.**, a Delaware corporation, as to an undivided 86% interest, and **Lebberes Realty Corp.**, a Delaware corporation, as to an undivided 14% interest (collectively, "***Grantors***"), do hereby convey and transfer unto **1130 Gallatin Pike LLC**, a Texas limited liability company ("***Grantee***"), and its successors and assigns, all of Grantors' right, title and interest in and to certain improved real property located at 1130 Gallatin Pike, 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.

And Grantors do covenant with the said Grantee that Grantors are lawfully seized and possessed of said land in fee simple, have a good right to convey it, and the same is free from all encumbrances made or suffered by Grantors, except those permitted exceptions as listed on **Exhibit B** and representations and limitations as expressly provided for hereby.

And Grantors do further covenant and bind themselves, and their 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 Grantors, 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 pages follow.*]

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

GRANTORS:

805 REALTY CORP., a Delaware corporation

By: _____
Name: James Lebberes
Title: President

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 President of **805 Realty Corp.**, a Delaware corporation, a within named Grantor, and who acknowledged that, as such President, he is authorized to execute the within instrument on behalf of said corporation, by signing his name above as such President.

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

Tammy Rhoades
Notary Public

My Commission expires: July 3, 2023

TAMMY RHOADES STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

[*Signatures continue on following page*]

LEBBERES REALTY CORP., a
Delaware corporation

By: _____
Name: James Lebberes
Title: President

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 President of **Lebberes Realty Corp.**, a Delaware corporation, a within named Grantor, and who acknowledged that, as such President, he is authorized to execute the within instrument on behalf of said corporation, by signing his name above as such President.

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

Tammy Rhoades
Notary Public

My Commission expires: July 3, 2023

TAMMY RHOADES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

EXHIBIT A

Description of the Property

BEING A TRACT OF LAND LYING IN NASHVILLE, DAVIDSON COUNTY, TENNESSEE, ALSO BEING LOT 1 ON THE SUBDIVISION OF DUE WEST SHOPPING CENTER, AS OF RECORD IN PLAT BOOK 7900, PAGE 609, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING PK NAIL ON THE WESTERLY RIGHT-OF-WAY LINE OF GALLATIN PIKE, 85 FEET IN WIDTH, AT A CORNER COMMON WITH THE PROPERTY CONVEYED TO AARON RENTS, INC. OF RECORD IN INSTRUMENT NUMBER 20020107-0002323, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE;

THENCE WITH THE WESTERLY RIGHT-OF-WAY LINE OF GALLATIN PIKE SOUTH 29 DEG 00 MIN 00 SEC WEST, 496.93 FEET TO AN EXISTING IRON ROD, AT A CORNER COMMON WITH THE PROPERTY CONVEYED TO PARADIGM TWO, LLC OF RECORD IN INSTRUMENT NUMBER 20011231-0145307, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE;

THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF GALLATIN PIKE, WITH THE NORTHERLY PROPERTY LINE OF PARADIGM TWO, LLC, FOR THE FOLLOWING TWO CALLS:

1) WITH A CURVE TO THE LEFT, ALONG AN ARC LENGTH OF 30.58 FEET, THE CENTRAL ANGLE OF WHICH IS 87 DEG 35 MIN 39 SEC, THE RADIUS OF WHICH IS 20.00 FEET, THE CHORD OF WHICH IS NORTH 14 DEG 47 MIN 49 SEC WEST, 27.68 FEET TO AN EXISTING IRON ROD;

2) THENCE NORTH 58 DEG 35 MIN 39 SEC WEST, 132.85 FEET TO AN EXISTING IRON ROD;

THENCE WITH THE WESTERLY PROPERTY LINE OF PARADIGM TWO, LLC, SOUTH 28 DEG 04 MIN 21 SEC WEST, 125.00 FEET TO AN EXISTING PK NAIL, IN THE NORTHERLY PROPERTY LINE OF LOT 1 YATES MOTOR CO., INC. PROPERTY SUBDIVISION, AS OF RECORD IN PLAT BOOK 4660, PAGE 130, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, ALSO BEING THE PROPERTY OF RABON W. JOHNSON AND GARY A. TOLIVER, AS OF RECORD IN DEED BOOK 9266, PAGE 456, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE;

THENCE WITH THE NORTHERLY PROPERTY LINE OF RABON W. JOHNSON AND GARY A. TOLIVER, NORTH 58 DEG 35 MIN 39 SEC WEST, 74.46 FEET TO AN EXISTING PK NAIL AT A CORNER COMMON WITH LOT TWO ON THE SUBDIVISION OF DUE WEST SHOPPING CENTER, OF RECORD IN PLAT BOOK 7900, PAGE 609, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE;

THENCE WITH THE NORTHERLY PROPERTY LINE OF SAID LOT TWO OF DUE WEST SHOPPING CENTER, NORTH 52 DEG 26 MIN 39 SEC WEST, 123.24 FEET TO AN EXISTING PK NAIL;

THENCE WITH THE WESTERLY PROPERTY LINE OF SAID LOT TWO OF DUE WEST SHOPPING CENTER, SOUTH 25 DEG 19 MIN 59 SEC WEST, 254.64 FEET TO AN EXISTING PK NAIL;

THENCE WITH THE EASTERLY PROPERTY LINE OF SAID LOT TWO OF DUE WEST SHOPPING CENTER, NORTH 64 DEG 44 MIN 26 SEC WEST, 347.60 FEET TO AN EXISTING IRON ROD IN THE EASTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, 85 FEET IN WIDTH;

THENCE WITH THE EASTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, NORTH 21 DEG 24 MIN 37 SEC EAST, 896.03 FEET TO AN EXISTING IRON ROD AT A CORNER COMMON WITH THE PROPERTY OF U-HAUL REAL ESTATE CO., AS OF RECORD IN DEED BOOK 7978, PAGE 988, AT THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, WITH THE SOUTHERLY PROPERTY LINE OF U-HAUL REAL ESTATE CO., SOUTH 61 DEG 24 MIN 40 SEC EAST, 541.00 FEET TO AN EXISTING CONCRETE MONUMENT, IN THE WESTERLY PROPERTY LINE OF SAID AARON RENTS INC. PROPERTY;

THENCE WITH THE WESTERLY PROPERTY LINE OF AARON RENTS INC., SOUTH 29 DEG 35 MIN 09 SEC WEST, 42.00 FEET TO AN EXISTING PK NAIL;

THENCE WITH THE SOUTHERLY PROPERTY LINE OF AARON RENTS INC., SOUTH 61 DEG 22 MIN 01 SEC EAST, 254.50 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO 805 REALTY CORP. A NEW YORK CORPORATION, AS TO AN EIGHTY-SIX PERCENT (86%) UNDIVIDED INTEREST, AND LEBBERES REALTY CORP. A NEW YORK CORPORATION, AS TO A FOURTEEN PERCENT (14%) UNDIVIDED INTEREST, BY WARRANTY DEED OF RECORD IN INSTRUMENT NO. 200409220114043, IN THE REGISTER'S OFFICE FOR 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.