THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:

Nathan Byerly, Esq.
McMichael & Gray, P.C.
22 Century Blvd, Suite 450
Nashville, TN 37214

Karen Johnson Davidson County
Batch# 851367 DEEDWARRSP
05/05/2022 12:21:30 PM 6 pgs
Fees: $33.00 Taxes: $2,109.00
20220505-0052076

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**SPECIAL WARRANTY DEED**

THIS INDENTURE, made and entered into as of the 28th day of April, 2022, by 422 38th, LLC, a Tennessee limited liability company ("***Grantor***"), and UPWARD AMERICA SOUTHEAST PROPERTY OWNER, LP, a Delaware limited partnership ("***Grantee***").

WITNESSETH:

That, for and in consideration of Ten Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledge, Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto Grantee the following described real estate, situated and being in the City of Nashville, County of Davidson, State of Tennessee; to wit:

All that certain real estate described on **Exhibit A** attached hereto and incorporated herein by reference.

This being a portion of the same real estate conveyed to Grantor by Deed of Record in Instrument Number 20200213-0016496, Register's Office for Davidson County, Tennessee.

TO HAVE AND TO HOLD, the aforesaid real estate, together with all appurtenances and hereditaments there unto belonging or in any way appertaining unto Grantee, its successor and assigns in fee simple forever;

AND Grantor does hereby covenant with Grantee that Grantor is lawfully seized in fee of the aforedescribed real estate; that Grantor has good right to sell and convey the same; that the same is unencumbered, except for those matters set forth on **Exhibit B** attached hereto and incorporated herein by reference, to all of which this conveyance is expressly made subject; and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through, or under Grantor, but against none other.

The words "Grantor" and "Grantee" as used herein shall mean "Grantors" or "Grantees" if more than one person or entity is referred to, and pronouns shall be construed according to their gender and number according to the context thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by and through its duly-authorized representative on the day and year first above written.

422 38th, LLC,
a Tennessee limited liability company

By: _____
Name: George N. Spiva
Title: Managing Partner

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Before me, Kimberly J. Warrington a Notary Public in and for the State and County aforesaid, personally appeared George N Spiva, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be the Managing Partner of 422 38th, LLC, the within-named bargainor, a Tennessee limited liability company, that he/she as such Managing Partner executed the foregoing instrument for and on behalf of the aforesaid limited liability company for the purposes therein contained.

WITNESS my hand and notarial stamp or seal this 27 day of April, 2022.

_____
Notary Public

KIMBERLY J. WARRINGTON
NOTARY PUBLIC
STATE OF TENNESSEE
WILLIAMSON COUNTY, TN

RECORDING DATA ONLY

Property Address:
422 38th Avenue
Nashville, TN

I, or we hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration of this transfer or value of property, whichever is greater, is $570,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Name and Address of Property Owner:
Upward America Southeast Property Owner, LP
500 East Morehead Street, Suite 300
Charlotte NC 28202

Affiant

Tax Identification No.:
092093S00400CO

SUBSCRIBED and SWORN TO before me this 28th day of April, 2022

Notary Public

12/27/2022
My Commission Expires

Name and Address of the Person Or Entity Responsible for Payment of the Real Property Taxes:
Upward America Southeast Property Owner, LP
500 East Morehead Street, Suite 300
Charlotte NC 28202

BETH WILKINS NOTARY PUBLIC GWINNETT COUNTY EXPIRES GEORGIA NOV. 27, 2022

Exhibit "A"
Legal Description

Land in Davidson County, Tennessee, being Unit No. 4 and Common Element, as shown on the Plan of Homes at 422 38th Avenue North, a Horizontal Property Regime with Private Elements having been established by the Declaration of Covenants, Conditions, and Restrictions of record in Instrument No. 20201125-0138384, Register's Office for said Davidson County, Tennessee, to which plan reference is hereby made for a more complete description; said property being the same as Lot Nos. 27, 28, and 29 on the map of subdivision of W.R. Wilson tract of record in Book 332, Page 161, said records, and including that portion of Alley No. 1185 included in said property that was closed by the Council of the Metropolitan Government of Nashville and Davidson County by Metropolitan CountyCouncil Bill No. 081-469 of record in the County Court Clerk's for said county.

Less and except that portion of the property conveyed to the State of Tennessee in Book 3459, Page 419, and Instrument No.20150106-0001342, as corrected in Instrument No. 20160804-0080816.

Being a portion of the same property conveyed to 422 38TH, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, by deed of record as Instrument No. 20200213-0016496, Register's Office of DavidsonCounty, Tennessee.

EXHIBIT "B"

1. All taxes for the year 2022 and subsequent years, not yet due and payable.

2. Matters shown on the Plan of record in Book 332, page 161, said Register's Office.

3. Right-of-Way Easement of record in Instrument No. 20200121-0007384, said Register's Office.

4. Lease of record in Book 7742, page 860 and assigned and assumed in Instrument No. 20170120-0006342, said Register's Office.

5. Easement for controlled highway access and ingress/egress.

6. Ingress/Egress Easement of record in Book 3459, Page 419, said Register's Office.

7. Title to that portion of the premises embraced within the bounds of any streets, roads or highways.

8. Declaration of Restrictions and Covenants for Stormwater Facilities and Systems of record in Instrument No. 20200414-0038841, said Register's Office.

9. Declaration of Covenants, Conditions and Restrictions of record in Instrument No. 20201125-0138384, said Register's Office.

10. Assignment of Developers Rights of record in Instrument No. 20220408-0040978, said Register's office.

**Tennessee Certification of Electronic Document**

I, Nathan Byerly, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 4/28/2022 (date of document).

Affiant Signature

4/28/2022
Date

State of Georgia

County of Gwinnett

Sworn to and subscribed before me this 28th day of April, 2022.

Notary's Signature

MY COMMISSION EXPIRES:

NOTARY'S SEAL

BETH WILKINS NOTARY PUBLIC GWINNETT COUNTY EXPIRES GEORGIA NOV. 27, 2022