Karen Johnson Davidson County
Batch# 993210 DEEDWARRSP
04/18/2023 02:51:30 PM 7 pgs
Fees: $38.00 Taxes: $3,264.35
20230418-0028547

THIS INSTRUMENT PREPARED BY:
Alison Woodrow, Esq.
Hartman Simons & Wood LLP
400 Interstate North Pkwy, SE, Suite 600
Atlanta, Georgia 30339

AFTER RECORDING RETURN TO:
Stewart Title Guaranty Company
5901 Peachtree Dunwoody Rd., Suite B-540
Atlanta, GA 30328
Attn: Regina Yoho

Name and Address of New Owner:	Send Tax Bills To:	Map Parcel No.:
BJ Rivergate, LLC c/o Hendon Properties, LLC 3445 Peachtree Rd NE, Suite 465 Atlanta, GA 30339 Attn: Tim Mitchell	Same	026-14-0-039.0 026-14-0-053.0 026-14-0-046.0

SPECIAL WARRANTY DEED

IN CONSIDERATION of One Dollar ($1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **KDI RIVERGATE MALL, LLC,** a Georgia limited liability company ("Grantor"), does hereby sell, transfer and convey unto **BJ RIVERGATE, LLC**, a Georgia limited liability company ("Grantee"), certain real property located in Goodlettesville, Davidson County, Tennessee, more particularly described on **Exhibit "A"** attached hereto and made a part hereof. This conveyance is subject to the matters set forth on **Exhibit "B"** attached hereto and made a part hereof.

TO HAVE AND TO HOLD said property unto Grantee, its successors and assigns, forever in fee simple.

Grantor covenants that it is lawfully seized and possessed of said real property; that it has full power and lawful authority to sell and convey same; and the Grantor will forever warrant and defend the title to the real property herein conveyed against all persons claiming the same from, through or under it, but not further or otherwise.

IN WITNESS WHEREOF, Grantor has executed this conveyance this 18th day of April, 2023.

GRANTOR:

KDI RIVERGATE MALL, LLC, a Georgia limited liability company

By: KDI HENDON HOLDING COMPANY, LLC, a Georgia limited liability company, its Sole Member

By: HENDON THREE MALL HOLDINGS, LLC, a Georgia limited liability company, its Manager

By: _____
J. Charles Hendon, Jr.
Managing Member

STATE OF Georgia)
) SS:
COUNTY OF Fulton)

Before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared J. Charles Hendon, Jr., with whom I am personally acquainted and who upon his oath acknowledged himself to be the Managing Member of Hendon Three Mall Holdings, LLC, a Georgia limited liability company, the Manager of KDI Hendon Holding Company, LLC, a Georgia limited liability company, Sole Member of KDI Rivergate Mall, LLC, a Georgia limited liability company, the within named bargainor, and that he as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of KDI Rivergate Mall, LLC, by the said J. Charles Hendon, Jr. as Managing Member of Hendon Three Mall Holdings, LLC, being the Manager of KDI Hendon Holding Company, LLC, being the Sole Member of KDI Rivergate Mall, LLC.

Witness my hand seal at office this 10th day of April, 2023.

Roxanne S Payne
My Commission Expires March 16, 2026
NOTARY PUBLIC
GEORGIA
DOUGLAS COUNTY

Roxanne S Payne
Notary Public
State of Georgia, County of Fulton
Roxanne S Payne
Type/print name of Notary Public

My Commission Expires: 3/16/26

[NOTARY SEAL]

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STATE OF GEORGIA)
COUNTY OF FULTON)

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is $ 882,257.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me on this 10th day of April, 2023.

Roxanne S Payne
Notary Public

[Affix Notary Seal]

My Commission Expires:

3/16/26

Roxanne S Payne
My Commission Expires
March 16, 2026
NOTARY
PUBLIC
GEORGIA
DOUGLAS COUNTY

AFFIANT – Grantee:

BJ RIVERGATE, LLC, a Tennessee limited partnership

By: _____
J. Charles Hendon, Jr., Manager

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EXHIBIT "A"

LEGAL DESCRIPTION

TRACT IV: Map/Parcel 026-14-0-039.00

Land located in the Tenth Councilmanic District of Nashville, Davidson County, Tennessee, near Gallatin Pike and Rivergate Parkway, being Lot 3 on the Final Plat of Resubdivision of Tracts C-2, D-2 and D-3, Rivergate Mall Shopping Center of record in Plat Book 6900, Page 279, R.O.D.C. and being more particularly described as follows:

Beginning in the southerly boundary of Monarch, LLC property of record as Instrument No. 20020213-0019347,
R.O.D.C. at a northeasterly corner of Realty Income Corporation property of record as Instrument No. 20040109-0004053, R.O.D.C.;
Thence S82°20'00"E, 424.00 feet;
Thence S07°40'00"W, 200.00 feet;
Thence N82°20'00"W, 424.00 feet;
Thence N07°40'00"E, 200.00 feet to the beginning.

Containing 84,800 Square Feet or 1.95 Acres, more or less.

TRACT IX - Map/Parcel 026-14-0-053.00

Land located in the Tenth Councilmanic District of Nashville, Davidson County, Tennessee, near Gallatin Pike and Rivergate Parkway, being Lot 6 on the Final Plat of Resubdivision of Tracts C-2, D-2 and D-3, Rivergate Mall Shopping Center of record in Plat Book 6900, Page 279, R.O.D.C. and being more particularly described as follows:

Beginning at a northeasterly corner of Tract A-2 on the Final Plat of First Revision, Section One, Rivergate East of
record in Plat Book 6900, Page 334, R.O.D.C.;
Thence N82°20'00"W, 225.53 feet;
Thence N07°40'00"E, 227.00 feet;
Thence S82°20'00"E, 226.05 feet;
Thence S07°48'00"W, 227.00 feet to the beginning.

Containing 51,255 Square Feet or 1.18 Acres, more or less.

Together with easements appurtenant to said property as set forth in Deed of Declaration of record in Book 4386, Page 523, as amended of record in Book 4523, Page 322, as amended of record in Book 5254, Page 146, as amended of record in Book 5254, Page 164, as amended of record in Book 7185, Page 44, re-recorded in Book 7297, Page 12, as amended of record in Instrument 200309150135252, Register's Office for Davidson County, Tennessee. Assignment and Assumption of REA Agreements of record in Instrument 201309050093839, said Register's Office. Assignment and Assumption of REA Agreements of record in Instrument 201309050093856, said Register's Office.

TRACT X - Map/Parcel 026-14-0-046.00

Land located in the Tenth Councilmanic District of Nashville, Davidson County, Tennessee, near Gallatin Pike and Rivergate Parkway, being part of Lot 3 on the Final Plat of First Revision, Section One, Rivergate East of record in Plat Book 6900, Page 334, R.O.D.C. and being more particularly described as follows:

Beginning in the westerly right-of-way of Conference Drive at a northeasterly corner of Wolfgang Sauermann, et al
property of record in Deed Book 10802, Page 792, R.O.D.C.; Thence with said westerly right-of-way as follows:
S59°33'38"E, 113.37 feet;
S25°41'43"E, 217.75 feet;
S27°58'08"E, 282.76 feet to a northeasterly corner of Dayton-Hudson Corporation property of record in Deed Book
5580, Page 988, R.O.D.C.;
Thence with the boundary of said Dayton-Hudson property as follows:
N82°13'00"W, 122.86 feet;
N37°12'00"W, 127.28 feet;
N82°12'00"W, 120.43 feet;
S52°48'00"W, 98.39 feet;
Thence N07°48'00"E, 299.80 feet;
Thence N82°12'55"W, 191.01 feet to a southeasterly corner of the aforementioned Wolfgang Sauermann property;
Thence with the boundary of said property N64°22'05"E, 244.15 feet to the beginning.

Containing 101,795 Square Feet or 2.34 Acres, more or less.

Being part of the same property conveyed to KDI Rivergate Mall, LLC, a Georgia limited liability company by Warranty Deed dated from Rivergate Mall Limited Partnership, a Delaware limited partnership of record in Instrument 201309050093854, Register's Office for Davidson County, Tennessee.

EXHIBIT "B"

TITLE EXCEPTIONS

1. Taxes and assessments for the year 2023 and subsequent years, not yet due and payable.

2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records.

3. All matters shown on that certain Stewart Title Guaranty Company's Title Commitment No. 01288-47686 with an effective date of March 27, 2023 at 8:00 a.m.

4. Any facts, rights, interests or claims that may be disclosed by a survey and inspection of the Property.

CERTIFICATE OF AUTHENTICITY

I, Regina Yoho do hereby make oath that I am a ~~licensed attorney and/or~~ 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 Tennessee.

Regina Yoho
Affiant
Date: 4/18/2023

STATE OF ~~TENNESSEE~~ Georgia
COUNTY OF Fulton

Sworn to and subscribed before me this 18 day of April, 2023

Notary Public

My Commission Expires: May 24, 2025

NATIVYLA HALL
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES
MAY 24, 2025