Karen Johnson Davidson County
Batch# 1002985 DEEDWARRSP
05/15/2023 08:24:30 AM 11 pgs
Fees: $58.00 Taxes: $15,207.00
20230515-0035776

Prepared By:
Joshua D. Hankins, Esq.
HANKINS LAW
117 Saundersville Road, Suite 205
Hendersonville, Tennessee 37075
(615) 246-2544

Return to:
Robert E. Wood, Esq.
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, TN 37203

Address New Owner(s):	Send Tax Bills To:	Map-Parcel Number(s):
AHV Westbrook BFR Owner, LLC 105 Westpark Drive Suite 380 Brentwood, TN 37027	Same As New Owner	126-00-0-028.00 126-00-0-150.00

SPECIAL WARRANTY DEED

THIS DEED is made this 12th day of May, 2023, by and between

GRANTOR:

Sandra Eatherly Cantrell, Successor Trustee of The J.D. Rivergate Land Trust

GRANTEE:

AHV Westbrook BFR Owner, LLC, a Delaware limited liability company

The designation Grantor and Grantee, as used herein, shall include said Parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for and in consideration of the sum of Four Million One Hundred Ten Thousand and No/100 Dollars ($4,110,000.00), and other good and valuable consideration, in hand paid at and before the delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, transferred, conveyed and confirmed and by these presents does grant, bargain, sell, and convey unto Grantee, in fee simple, all that certain tract or parcel of land lying and being in Davidson County, Tennessee, being more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Property**").

All or a portion of the Property herein conveyed does not include the primary residence of Grantor. The Property is unimproved property known as 8840 Highway 70, Nashville, Davidson County, Tennessee 37221.

TO HAVE AND TO HOLD the aforesaid Property and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to title to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor only, except for the exceptions hereinafter stated.

Title to the Property is subject only to the Permitted Exceptions contained in **Exhibit B** attached hereto and incorporated herein by reference.

There has been a proration of *ad valorem* property taxes applicable to the Property between Grantor and Grantee. By Grantee's acceptance and recordation of this Special Warranty Deed, Grantee hereby assumes and agrees to pay all *ad valorem* property taxes and assessments assessed against the Property, including, but not limited to, any Greenbelt roll-back taxes.

[Signature Page Follows.]

IN WITNESS WHEREOF, Grantor has executed this instrument to be signed in its name this 12th day of May, 2023, and delivered as of the date indicated on the first page of this instrument.

GRANTOR:

Sandra Eatherly Cantrell, Successor Trustee of
The J.D. Rivergate Land Trust

STATE OF TENNESSEE)
)
COUNTY OF Williamson)

Before me, Robin Patterson, a Notary Public of said County and State, personally appeared Sandra Eatherly Cantrell, 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 Successor Trustee of THE J.D. RIVERGATE LAND TRUST, the within named bargainor, a trust formed under the laws for the State of Tennessee, and that she, as such Successor Trustee, executed the foregoing instrument for the purposes therein contained, by signing the name of the trust by herself as Successor Trustee.

Witness my hand and seal, at Office in Franklin, Tennessee, this 12th day of May, 2023.

Notary Public

ROBIN PATTERSON
STATE OF TENNESSEE NOTARY PUBLIC
MAURY COUNTY

My Commission Expires: 6.20.23

STATE OF Tennessee)

COUNTY OF Williamson)

The actual consideration for this transfer or value of property conveyed (whichever is greater) is Four Million One Hundred Ten Thousand and 00/00 Dollars ($4,110,000.00).

Julie Weiss

AFFIANT

Sworn to and subscribed before me, this 12th day of May, 2023.

Robin Patterson

Notary Public

My Commission Expires: 6.20.23

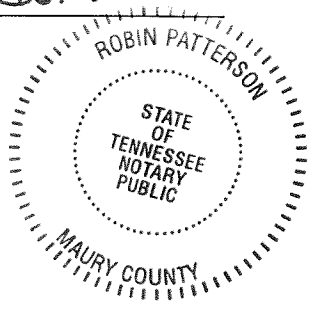


EXHIBIT A

Legal Description

TRACT ONE:

A TRACT OF LAND IN THE 35TH COUNCILMANIC DISTRICT OF METROPOLITAN NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, BEING BOUNDED ON THE NORTH AND EAST BY STEVEN EATHERLY, TRUSTEE OF THE J.D RIVERGATE LAND TRUST, ON THE SOUTH BY U.S. HIGHWAY 70 (STATE ROUTE NO. 1), AND ON THE WEST BY JAMES M. GUNTER AND WIFE, CAROLYN S. GUNTER AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TOA SURVEY PREPARED BY JTA LAND SURVEYING, INC., JOB NUMBER2022-194, LAST REVISED: MAY 1, 2023 AND PROCEEDING AS FOLLOWS:

BEGINNING AT AN IRON ROD (SET) ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 70 (STATE ROUTE NO. 1), RIGHT-OF-WAY WIDTH VARIES, AT THE SOUTHEAST PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO JAMES M. GUNTER AND WIFE, CAROLYN S. GUNTER AS OF RECORD IN INSTRUMENT NO. 19991217-0304233, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; SAID IRON ROD ALSO BEING THE SOUTHWEST PROPERTY CORNER OF THE HEREIN DESCRIBED TRACT; THENCE,

1. LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 70 (STATE ROUTE NO. 1) AND WITH THE EAST PROPERTY LINE OF SAID GUNTER, IN PART, NORTH 06 DEGREES 31 MINUTES 07 SECONDS EAST, 432.07 FEET TO AN IRON ROD (FOUND) AT A SOUTHWEST PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO STEVEN EATHERLY, TRUSTEE OF THE J.D. RIVERGATE LAND TRUST AS OF RECORD IN INSTRUMENT NO. 20070706-0080917, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

2. WITH THE SOUTH PROPERTY LINE OF SAID STEVEN EATHERLY, TRUSTEE OF THE J.D. RIVERGATE LAND TRUST PROPERTY, SOUTH 59 DEGREES 41 MINUTES 49 SECONDS EAST, 927.98 FEET TO AN IRON ROD (FOUND); THENCE,

3. SOUTH 30 DEGREES 50 MINUTES 23 SECONDS WEST, 400.29 FEET TO AN IRON ROD (SET) IN THE CENTER OF A GRAVEL DRIVE ON THE NORTH RIGHT-OF-WAY LINE OF THE AFOREMENTIONED U.S. HIGHWAY 70 (STATE ROUTE NO. 1); THENCE,

4. WITH THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 70 (STATE ROUTE NO. 1), NORTH 59 DEGREES 19 MINUTES 22 SECONDS WEST, 750.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 333,556 SQUARE FEET OR 7.66 ACRES, MORE OR LESS, AS CALCULATED BY THE ABOVE COURSES AND DISTANCES WHICH WERE WITHIN THE PRECISION REQUIREMENTS OF AN ALTA/NSPS LAND TITLE SURVEY OF 2021.

BEING THE SAME PROPERTY CONVEYED TO STEVEN EATHERLY, TRUSTEE OF THE J.D. RIVERGATE LAND TRUST BY WARRANTY DEED, DATED JULY 5, 2007, AS OF RECORD IN INSTRUMENT NO. 20070706-0080917, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

TRACT TWO:

A TRACT OF LAND IN THE 35TH COUNCILMANIC DISTRICT OF METROPOLITAN NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, BEING BOUNDED ON THE NORTH BY MEACHAM, JONES AND DUNN, ON THE EAST BY DOOLEY, ON THE SOUTH BY U.S. HIGHWAY 70 (STATE ROUTE NO.1) AND STEVEN EATHERLY, AND ON THE WEST BY GUNTER AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO A SURVEY PREPARED BY JTA LAND SURVEYING, INC., JOB NUMBER: 2022-194, LAST REVISED: MAY 1, 2023 AND PROCEEDING AS FOLLOWS:

BEGINNING AT AN IRON PIPE (FOUND) ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 70 (STATE ROUTE NO. 1), RIGHT-OF-WAY WIDTH VARIES, AT THE SOUTHWEST PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO JOSEPH MICHAEL DOOLEY AND/OR REBECCA R. DOOLEY, TRUSTEES OF THE REBECCA & JOSEPH DOOLEY LIVING TRUST AS OF RECORD IN INSTRUMENT NO. 20170608-0057623, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; SAID IRON PIPE BEING THE SOUTHEAST PROPERTY CORNER OF THE HEREIN DESCRIBED TRACT; THENCE,

1. WITH THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 70 (STATE ROUTE NO. 1), IN A SOUTHWESTWARDLY DIRECTION WITH A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 41 MINUTES 40 SECONDS, A RADIUS OF 1206.50-FEET, FOR AN ARC LENGTH OF 77.80 FEET TO A CONCRETE HIGHWAY MONUMENT (FOUND); SAID CURVE HAS A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES 09 MINUTES 39 SECONDS WEST, 77.78 FEET; THENCE,

2. WITH AN OFFSET IN THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 70 (STATE ROUTE NO. 1), SOUTH 02 DEGREES 28 MINUTES 01 SECONDS WEST, 9.59 FEET TO A CONCRETE HIGHWAY MONUMENT (FOUND); THENCE,

3. IN A NORTHWESTWARDLY DIRECTION WITH A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30 DEGREES 48 MINUTES 26 SECONDS, A RADIUS OF 1216.50-FEET, FOR AN ARC LENGTH OF 654.10 FEET TO AN IRON ROD (SET); SAID CURVE HAS A CHORD BEARING AND DISTANCE OF NORTH 74 DEGREES 40 MINUTES 00 SECONDS WEST, 646.25 FEET; THENCE,

4. NORTH 59 DEGREES 20 MINUTES 39 SECONDS WEST, 346.86 FEET TO AN IRON ROD (SET) IN THE MIDDLE OF A GRAVEL DRIVE, BEING THE SOUTHEAST PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO STEVEN EATHERLY, TRUSTEE OF THE J.D. RIVERGATE LAND TRUST AS OF RECORD IN INSTRUMENT NO. 20070706-00080917, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

5. LEAVING THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 70 (STATE ROUTE NO. 1), AND WITH THE EAST AND NORTH PROPERTY LINE OF SAID STEVEN EATHERLY, TRUSTEE OF THE J.D. RIVERGATE LAND TRUST, NORTH 30 DEGREES 50 MINUTES 23 SECONDS EAST, 400.29 FEET TO AN IRON ROD (FOUND); THENCE,

6. NORTH 59 DEGREES 41 MINUTES 49 SECONDS WEST, 927.98 FEET TO AN IRON ROD (FOUND) IN THE EAST PROPERTY LINE OF A TRACT OF LAND CONVEYED TO JAMES M. GUNTER AND WIFE, CAROLYN S. GUNTER AS OF RECORD IN INSTRUMENT NO. 199912170304233, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

7. WITH THE EAST PROPERTY LINE OF SAID GUNTER, IN PART, NORTH 06 DEGREES 31 MINUTES 07 SECONDS EAST, 239.60 FEET TO AN IRON ROD (FOUND) IN THE SOUTH PROPERTY LINE OF LOT 2 AS SHOWN ON THE PLAN OF McPHERSON ACRES AS OF RECORD IN PLAT BOOK 6050, PAGE 433, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

8. WITH THE SOUTH PROPERTY LINE OF SAID LOT 2, IN PART, AND LOT 1 OF SAID McPHERSON ACRES, SOUTH 74 DEGREES 44 MINUTES 39 SECONDS EAST, 411.90 FEET TO AN EXISTING FENCE POST AT THE SOUTHEAST PROPERTY CORNER OF SAID LOT 1, McPHERSON ACRES; THENCE,

9. WITH THE EAST PROPERTY LINE OF SAID LOT 1, McPHERSON ACRES, NORTH 06 DEGREES 27 MINUTES 40 SECONDS EAST, 300.45 FEET TO AN IRON ROD (FOUND) IN THE SOUTH PROPERTY LINE OF A TRACT OF LAND CONVEYED TO JOHN P. DUNN AND WIFE, JEAN DUNN AS OF RECORD IN DEED BOOK 8462, PAGE 332, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

10. WITH THE SOUTH PROPERTY LINE OF SAID JOHN P. DUNN AND WIFE, JEAN DUNN PROPERTY, IN PART, SOUTH 74 DEGREES 55 MINUTES 49 SECONDS EAST, 488.85 FEET TO AN IRON ROD (FOUND) AT THE SOUTHWEST PROPERTY CORNER OF A TRACT OF LAND CONVEYED TO JOHN P. DUNN AS OF RECORD IN INSTRUMENT NO. 20120627-0056505, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; THENCE,

11. WITH THE SOUTH PROPERTY LINE OF SAID JOHN P. DUNN, SOUTH 75 DEGREES 18 MINUTES 14 SECONDS EAST, 672.51 FEET TO AN IRON PIPE (FOUND) IN THE WEST PROPERTY LINE OF A TRACT OF LAND CONVEYED TO THE AFOREMENTIONED DOOLEY PROPERTY; THENCE,

12. WITH THE WEST PROPERTY LINE OF SAID DOOLEY, IN PART, SOUTH 20 DEGREES 18 MINUTES 56 SECONDS WEST, 121.80 FEET TO AN IRON PIPE (FOUND); THENCE,

13. SOUTH 24 DEGREES 21 MINUTES 17 SECONDS WEST, 200.65 FEET TO AN IRON PIPE (FOUND); THENCE,

14. SOUTH 12 DEGREES 32 MINUTES 30 SECONDS WEST, 262.42 FEET TO AN IRON PIPE (FOUND); THENCE,

15. SOUTH 14 DEGREES 30 MINUTES 35 SECONDS EAST, 227.11 FEET TO AN IRON PIPE (FOUND); THENCE,

16. SOUTH 24 DEGREES 34 MINUTES 46 SECONDS EAST, 355.08 FEET TO AN IRON PIPE (FOUND); THENCE,

17. SOUTH 18 DEGREES 40 MINUTES 07 SECONDS WEST, 138.00 FEET TO AN IRON ROD (SET); THENCE,

18. SOUTH 34 DEGREES 37 MINUTES 46 SECONDS EAST, 64.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,376,912 SQUARE FEET OR 31.61 ACRES, MORE OR LESS, AS CALCULATED BY THE ABOVE COURSES AND DISTANCES WHICH WERE WITHIN THE PRECISION REQUIREMENTS OF AN ALTA/NSPS LAND TITLE SURVEY OF 2021.

BEING THE SAME PROPERTY CONVEYED TO STEVEN EATHERLY, TRUSTEE OF THE J.D. RIVERGATE LAND TRUST BY WARRANTY DEED, DATED JULY 5, 2007, AS OF RECORD IN INSTRUMENT NO. 20070706-0080917, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

EXHIBIT B

Permitted Exceptions

1. The lien for 2023 real estate taxes, assessments and governmental charges not yet due and payable.

2. All applicable governmental and zoning regulations.

3. Driveway Easement 4628/946; and as affected by Termination of Easement of record in Instrument No. 20110124-0006377, said Register's Office.

4. Agreement for Dedication of Easement for Sanitary Sewers and/or Storm Drainage of record in Instrument No. 20071107-0131470, said Register's Office.

5. Memorandum of Agreement Legal Description and Use of Easement of record in Book 8599, Page 676, said Register's Office; as affected by Agreement to Amend Memorandum of Agreement Legal Description and Use of Easement of record in Instrument No. 20130208-0013361, said Register's Office. (as to Tract Two)

6. Agreement for Dedication of Public Utilities Easement of record in Instrument Number 20071116-0134567, said Register's Office.

7. Agreement for Dedication of Public Utilities Easement of record in Instrument Number 20071116-0134568, said Register's Office.

8. Agreement for Dedication of Public Utilities Easement of record in Instrument Number 20071116-0134569, said Register's Office.

9. Agreement for Dedication of Public Utilities Easement of record in Instrument Number 2007116-0134570, said Register's Office.

10. Agreement for Dedication of Public Utilities Easement of record in Instrument Number 20071116-0134578, said Register's Office.

11. Agreement for Dedication of Public Utilities Easement of record in Instrument Number 20071116-0134579, said Register's Office.

12. Stormwater Detention Agreement of record in Instrument Number 20080711-0071372, said Register's Office.

13. Agreement for Dedication of Easement and/or Public Street Right-Of-Way of record in Instrument Number 20150728-0074275, said Register's Office.

14. Easement set forth in Deed to State of Tennessee of record in Instrument Number 20170922-0097374, said Register's Office. (as to Tract Two)

15. The rights of upper and lower riparian owners to the free and unobstructed flow of the water of Harpeth River without diminution or pollution and the consequence of any past or future change in the location of Harpeth River; b) riparian rights incident to premises; c) rights of upper and lower riparian owners in and to the waters of Harpeth River crossing or adjoining the property, and the natural flow thereof, free from diminution or pollution; and d) any enlargement or loss of land by reason of avulsion, accretion, or reliction, and questions of ownership caused by subsequent rebuilding or reformation of land.

16. Sanitary Sewer Infrastructure Development and Easement Agreement recorded in Instrument No. 20221027-0116471, said Register's Office.

17. Matters shown on Survey by JTA Land Surveying, Inc, bearing the seal and certification of James G. Terry, Tennessee RLS No. 2287 dated May 1, 2023, Job No. 2022-194:

(a) Newsom Branch;
(b) Fenceline meanders into and beyond property line; and
(c) Rights of public and quasi-public utilities in and to facilities lying within the property lines without the benefit of recorded easements.

Tennessee Certification of Electronic Document

I, Will Rogers, 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 5/12/2023 (date of document).

Affiant Signature

5/12/2023
Date

State of Tennessee

County of Williamson

Sworn to and subscribed before me this 12th day of May, 2023

Notary's Signature

MY COMMISSION EXPIRES: 2-24-2025

NOTARY'S SEAL

BRINA MATHIS
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY