Karen Johnson Davidson County
Batch# 1081715 DEEDWARRSP
12/14/2023 09:11:30 AM 9 pgs
Fees: $48.00 Taxes: $19,425.00
20231214-0096435

SPECIAL WARRANTY DEED

FROM: MICHAEL D. BURNS, TRUSTEE OF THE BURNS FAMILY LIVING TRUST

TO: CACP NASHVILLE LLC

This instrument was prepared by:
C. Mark Carver, Esq.
Sherrard Roe Voigt & Harbison, PLC
150 Third Avenue South, Suite 1100
Nashville, TN 37201

Address New Owner as Follows:	Send Tax Bills To:	Map/Parcel Numbers:
CACP Nashville LLC 3200 E Cherry Creek South Drive, Suite 125 Denver, CO 80209	Same	Map 92-11, Parcel 4.00 Map 92-11, Parcel 371.00

STATE OF NORTH CAROLINA)
COUNTY OF MECKLENBURG)

ALYSSA C SMALL
Notary Public - North Carolina
Mecklenburg County
My Commission Expires Mar 20, 2028

The actual consideration for this transfer is $5,250,000.00.

Affiant

Sworn to and subscribed before me, this 8th day of December, 2023.

Alyssa C. Small
Notary Public

My Commission Expires: March 20, 2028

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars, cash in hand paid by the hereinafter named Buyer, and other good and valuable considerations, the receipt of which is hereby acknowledged, MICHAEL D. BURNS, TRUSTEE OF THE BURNS FAMILY LIVING TRUST, a trust established January 24, 2019 (hereinafter called the "Seller") by these presents does transfer, sell and convey unto CACP Nashville LLC, a Delaware limited liability company (hereinafter called the "Buyer"), and Buyer's successors and assigns, all of Seller's interest in certain tracts of land in Davidson County, Tennessee, described on Exhibit A attached hereto and incorporated herein by reference, and any improvements thereon.

The above-referenced property is conveyed subject to the matters set forth on Exhibit B attached hereto and incorporated herein by reference (the "Permitted Exceptions").

This is improved property located at 2314 and 2318 Clifton Avenue, Nashville, Davidson County, Tennessee 37209.

Return to:
Katrina Haynes
First National Financial Title Services, LLC
3301 Windy Ridge Parkway, Suite 300
Atlanta, GA 30339
770-916-4353- **TN252209154J**

TO HAVE AND TO HOLD the said real property, together with all rights and appurtenances thereunto belonging or in any wise appertaining to Buyer, its successors and assigns, forever in fee simple.

Seller further covenants and binds itself, its representatives, successors and assigns to warrant specially and forever defend the title to said real estate to Buyer, and Buyer's successors and assigns, against the lawful claims of all persons claiming through and under Seller (other than claims arising out of the Permitted Exceptions), 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.

IN WITNESS WHEREOF, Seller has caused this deed to be executed effective as of the 12th day of December, 2023.

SELLER: **MICHAEL D. BURNS, TRUSTEE OF THE BURNS FAMILY LIVING TRUST ,**
a trust established January 24, 2019

By: _____
Michael D. Burns, Trustee

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me, Kitty Martin, a Notary Public in and for the County and State aforesaid, personally appeared Michael D. Burns, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Trustee of the Burns Family Living Trust, a trust established January 24, 2019, the within named bargainor, and that he as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the trust by himself as Trustee.

Witness my hand and seal at office in Nashville, Tennessee, this 7th day of December, 2023.

_____
Notary Public

My Commission Expires: 10-4-27

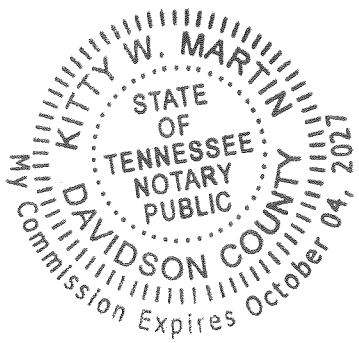


EXHIBIT A

PROPERTY DESCRIPTION

092 11 0 004.00 - 2314 Clifton Avenue, Nashville, Tennessee 37209

Certain tracts or parcels of land located in Davidson County, State of Tennessee, described as follows, to-wit:

Land in Metropolitan Nashville, Davidson County, Tennessee, being Lot No. 19 and parts of Lot Nos. 20, 21 and 22, of the Joseph W. Bell Plan, a plat of which is of record in Plat Book 21, page 13, in the Register's Office of Davidson County, Tennessee, being together with a portion of Pearl Street, a 19.5 feet wide alley closed, vacated and abandoned by Metropolitan Ordinance No. 79-1252, and being more particularly described as follows:

Beginning at an iron pin in the northerly right-of-way (40 feet wide) of Clifton Avenue, said pin being North 83 degrees 31 minutes 00 seconds West 273.45 feet along said right-of-way from its intersection with the westerly right-of-way (50 feet from the centerline of the westerly track) of the CSX Transportation Railroad, and also being the southeast corner of the herein described tract; Thence, with said northerly right-of-way of Clifton Avenue, North 83 degrees 31 minutes 00 seconds West 126.67 feet to a point; Thence, leaving said right-of-way with an agreement line, of record in Deed Book 9428 page 506 in the Register's Office of Davidson County, Tennessee, as follows: North 4 degrees 17 minutes 13 seconds East 100.05 feet with the plane of the western eave of an existing building to a PK nail, South 84 degrees 54 minutes 09 seconds East 5.83 feet with the plane of the northern eave of said building to a PK nail, North 3 degrees 59 minutes 02 seconds East, entering another building and following the centerline of a partition wall for an approximate distance of 82 feet inside of said building, and then continuing on the same line through an open building, and then continuing on the same line a total distance of 199.39 feet to an iron pin intersecting the southeasterly right-of-way (25' from the center of the southerly tract) of the Illinois Central Railroad; Thence, with a curve in said southeasterly right- of-way concave to the southeast and having a radius of 2669.66 feet, northeasterly an arc distance of 174.46 feet through a central angle of 3 degrees 44 minutes 39 seconds to an iron pin; Thence, leaving said right-of-way with the westerly boundary line of property owned by Porcelain Industries, Inc. of record in Deed Book 7211 page 568 in said Register's Office, and following an existing chain link fence, South 7 degrees 05 minutes 00 seconds West 406.50 feet to the beginning containing 1.068 acres. According to a survey by Joe M. Cummings, RLS #1513, dated May 12, 1997.

This is improved property known as 2314 Clifton Avenue, Nashville, Tennessee 37209.

092 110371.00 - 2318 Clifton Avenue, Nashville, Tennessee 37209

Land in Davidson County, Tennessee, being a tract of land lying in Nashville, Davidson County, Tennessee also being part of Lots 21, 22, 24, 25, 27, and all of Lot 23 and part of a closed alley as shown on Joseph W. Bell's Subdivision of record in Plat Book 21, Page 13, at the Register's Office for Davidson County, Tennessee, and being more particularly described as follows:

Beginning at an existing "X" chiseled in concrete on the northerly right of way line of Clifton Avenue, 40 feet in width, at a corner common with the property conveyed to David W. Wingfield of record in Book 10460, Page 81;

Thence with the northerly right of way line of Clifton Avenue, North 82 deg. 47 min 29 sec West, 381.48 feet to an iron rod set on the southerly right of way line of CSX Railroad; Thence leaving the northerly right of way line of Clifton Avenue with the southerly right of way line of CSX Railroad for the following three calls:

1) North 56 deg. 49 min 13 sec East, 297.86 feet to an iron rod set
2) South 82 deg. 47 min 29 sec East, 23.15 feet to an iron rod set
3) North 56 deg. 49 min 13 sec East, 163.96 feet to an iron rod set at a corner common with said David W. Wingfield;

Thence with the westerly line of Wingfield for the following three calls as outlined in a property line agreement of record in Book 9428, Page 506;

1) South 04 deg. 41 min 44 sec West 199.32 feet to a PK nail set,
2) North 84 deg. 04 min 54 sec West 5.83 feet to an existing PK nail
3) South 05 deg. 06 min 28 sec West, 100.05 feet to the point of beginning;

Said property containing 58,442 square feet or 1.342 acres more or less according to an unrecorded survey by R. Scott Cherry, TN No. 1512, July 13, 2014.

Being the same property conveyed to Michael D. Burns and wife, Glenda S. Burns, by deed from Michael D. Burns, of record as Instrument No. 20150202-0009577, Register's Office for Davidson County, Tennessee.

This is improved property known as 2318 Clifton Avenue, Nashville, Tennessee 37209.

Being the same property conveyed to MICHAEL D. BURNS, TRUSTEE OF THE BURNS FAMILY LIVING TRUST, a trust established January 24, 2019, by Quitclaim Deed of record at Instrument Number 20190125-0007476, Register's Office for Davidson County, Tennessee.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Real estate taxes for the year 2023 from any applicable government entity, including, without limitation, Metropolitan Government for Nashville and Davidson County, Tennessee.

2. Easement recorded in Book 4692, Page 301, aforesaid records.

3. Terms and conditions of Ordinance No. 79-1252, aforesaid records.

EXHIBIT C

SELLER'S CERTIFICATION OF TRUST

(see attached)

202312140096435

CERTIFICATION OF TRUST

MICHAEL D. BURNS, TRUSTEE OF THE BURNS FAMILY LIVING TRUST, a trust established January 24, 2019

THIS CERTIFICATION OF TRUST is made and presented effective November 14, 2023, by Michael D. Burns, being the Trustee of THE BURNS FAMILY LIVING TRUST, a trust established January 24, 2019 (the "Trust") for the purpose of evidencing the existence and validity of the Trust in the manner as prescribed.

1. The Trust was formed by a trust agreement dated January 24, 2019 and is currently in existence.

2. The Grantors of the Trust are Michael D. Burns and Glenda S. Burns.

3. The current Trustee of the Trust is Michael D. Burns, who is charged generally with responsibility for all matters.

4. Michael D. Burns is the duly authorized and acting Trustee of the Trust with full signatory authority, and does not require the signature of any other party to take action.

5. The successor Trustee shall be a person appointed by myself or by Glenda S. Burns, as specified in Section 7. of the trust agreement.

6. The Trust is irrevocable.

7. The assets of the Trust should be properly titled in the following manner: "MICHAEL D. BURNS, TRUSTEE OF THE BURNS FAMILY LIVING TRUST, a trust established January 24, 2019

8. The federal taxpayer identification number for the Trust is [redacted].

9. To the best of my knowledge, the Trust has not been revoked, modified or amended in any manner which would cause the representations contained in this Certification of Trust to be incorrect.

[Signature Page Follows]

IN WITNESS WHEREOF, this Certification has been executed and delivered on the date and year aforesaid.

Michael D. Burns, Trustee

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, a Notary Public of the State and County aforesaid, Michael D. Burns, with whom I am personally acquainted, who acknowledged that he executed the within instrument for the purposes therein contained and who further acknowledged that he is the Trustee of THE BURNS FAMILY LIVING TRUST, a trust established January 24, 2019.

WITNESS my hand, at office, this 14 day of November, 2023.

Notary Public

AMANDA CORLEW
STATE OF TENNESSEE NOTARY PUBLIC
CHEATHAM COUNTY

My Commission Expires:

2/21/2027

4223195.v1

Tennessee Certification of Electronic Document

I, Kimberly Hogen, 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 December 12, 2023 (date of document).

Affiant Signature

December 14, 2023
Date

State of Georgia

County of Cobb

Sworn to and subscribed before me this 14th day of December, 2023.

Notary's Signature

MY COMMISSION EXPIRES: March 22, 2027

NOTARY'S SEAL

