

STATE MS. - DESOTO CO.

Prepared By and Return To:

Greensfelder, Hemker, & Gale, P.C.
 10 South Broadway, Suite 2000
 St. Louis, Missouri, 63102
 Attn: Marcia Neidringhaus, Esq.
 (314) 241-9090

JUN 6 4 51 PM '02

BK 42 / PG 193
W.E. DAVIS CH. CLK.INDEXING INSTRUCTIONS:

To the Chancery Clerk of the First Judicial District of DeSoto County, Mississippi.
 The real property described herein is situated in the Property Commerce Subdivision of Section 28, Township 1 South, Range 8 West of DeSoto County, Mississippi. See Exhibit "A" hereto.

ALBERTSON'S, INC., GRANTOR

Special Warranty Deed
 (#4737)

TO

SM PROPERTIES MEMPHIS, L.L.C., GRANTEE

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, ALBERTSON'S, INC., A DELAWARE CORPORATION, HEREINAFTER CALLED THE GRANTOR, HAS BARGAINED AND SOLD, AND BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO, SM PROPERTIES MEMPHIS, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY, HEREINAFTER CALLED THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DESOTO COUNTY, STATE OF MISSISSIPPI, DESCRIBED AS FOLLOWS TO WIT:

Please see attached Exhibit "A" for legal description.

This conveyance is made subject to the following:

Please see attached Exhibit "B" for title exceptions.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining to the said GRANTEE, its successors and assigns in fee simple forever. The said GRANTOR does hereby covenant and bind itself and its successors to warrant specially and forever defend the title to said real estate to GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through, or under GRANTOR (other than claims arising out of the matters set forth on Exhibit "B", but not further or otherwise).

Exhibit "A" To Special Warranty Deed

Description of Property

Lot 2, Property Commerce Subdivision in Section 28, Township 1 South, Range 8 West, Desoto County, Mississippi, according to the plat thereof, recorded in Plat Book 67, Page 14, in the Office of the Chancery Clerk of Desoto County Mississippi.

Exhibit "B" To Special Warranty Deed

Title Exceptions

2002 City of Horn Lake and Desoto County taxes, liens, but not yet due or payable.

Rights or claims of parties in possession not shown by the public records.

Taxes and/or assessments levied or assessed against the subject property which have not been assessed and are not payable, as of the date of this policy.

Subdivision restrictions, building lines and easements of record in Plat Book 67, Page 14, in the Office of the Chancery Clerk of Desoto County, Mississippi.

Declaration of Restrictions and Easements of record in Book 355, Page 179, in the aforesaid Clerk's Office.

Development Agreement of record in Book 81, Page 579, in the aforesaid Clerk's Office.

Memorandum Agreement of record in Book 84, Page 547, in the aforesaid Clerk's Office.

Title to all oil, gas and minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto.