

BK 0460PG0589

STATE MS.-DESOTO CO. *DL*

Dec 18 3 37 PM '03 *DL*

DE 460 PG 589
CH. CLK.

For Recording, Return To:
Holcomb Dunbar, P.A.
P.O. Box 190
Southaven, MS 38671
601.349.0664

903-054 Initials *SDA*

This instrument was prepared by
and after recording return to:

Robert A. Chubb, Esq.
Hartman, Simons, Spielman & Wood, LLP
6400 Powers Ferry Road, N.W., Suite 400
Atlanta, Georgia 30339
(770) 955-3555

To the Chancery Clerk of DeSoto County, Mississippi:
The real property described herein is situated in the
Southeast 1/4 of Section 29, Township 1 South, Range 6 West,
Judicial District of DeSoto County, Mississippi.

SPECIAL WARRANTY DEED

STATE OF MISSISSIPPI KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DESOTO

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned **BOLTON PROPERTIES, LLC**, a Tennessee limited liability company having an office at 775 Ridge Lake Boulevard, Suite 100, Memphis, Tennessee 38120, Grantor, does hereby grant, bargain, sell, convey and warrant specially unto **HOME DEPOT U.S.A., INC.**, a Delaware corporation having an office at 2455 Paces Ferry Road, N.W., Atlanta, Georgia 30339, Attn: Vice President, Real Estate Law Group, Grantee, the following described real property located and situated in DeSoto County, Mississippi, and being more particularly described as follows, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF**

TO HAVE AND TO HOLD the said real property, together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, to have and to hold the same in fee simple forever.

AND THE GRANTOR hereby covenants with said Grantee that Grantor is lawfully

seized of said real property in fee simple, that Grantor has good right and lawful authority to sell and convey said real property, and, subject to those matters described on Exhibit "B" attached hereto and incorporated herein by reference, Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons claiming by, through, or under the said Grantor, but against none other.

WITNESS THE SIGNATURE of the undersigned Grantor, this the 16 day of DECEMBER, 2003.

BOLTON PROPERTIES, LLC,
a Tennessee limited liability company

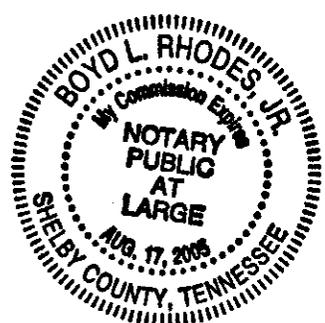
By: [Signature]
Print Name: CHARLES BOLTON
Title: CHIEF MANAGER

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, the undersigned authority in and for State aforesaid, the within named CHARLES BOLTON, who acknowledged that as CHIEF MANAGER for and on behalf of and by authority of **BOLTON PROPERTIES, LLC**, a Tennessee limited liability company, he/she signed the above and foregoing instrument and delivered said instrument on the day and year therein mentioned, after first being duly authorized to so do.

Given under my hand and seal of office this 16 day of DECEMBER, 2003.



[Signature]
Notary Public
[NOTARY SEAL]

My Commission Expires: 8/17/05

Grantor:

Bolton Properties, LLC
775 Ridge Lake Boulevard, Suite 100
Memphis, Tennessee 38120
Telephone: 901 766-4454

Grantee:

Home Depot U.S.A., Inc.
2455 Paces Ferry Road, N.W.
Atlanta, Georgia 30339
Attn: Vice Pres., Real Estate Law Group
Telephone: (770) 433-8211

EXHIBIT "A"

Legal Description

A parcel of land being located in the southeast $\frac{1}{4}$ of Section 29, Township 1 South, Range 6 West, Desoto County, Mississippi, said parcel being part of that property conveyed to Bolton Properties, LLC, described in Deed Book 0437, Page 0054 on file in the Desoto County Chancery Clerk's Office and located within a parcel shown as Future Development on the recorded plat of The Crossings at Olive Branch on file in the Chancery Clerk's Office of said county and state, said parcel being more particularly described as follows:

Commence at a found iron rod at the northeast corner of Lot 6 of The Crossings at Olive Branch as per recorded plat on file in the Chancery Clerk's Office of said county and state and run along the north line of said Lot 6 N $87^{\circ} 45' 30''$ W for 291.77 feet; thence run along the west line of said Lot 6 S $41' 14' 19''$ W for 161.03 feet to a found chiseled "x" in an existing sidewalk, said point being located on the east right-of-way of Craft-Goodman Frontage Road; thence run along the east right-of-way of Craft-Goodman Frontage Road along a curve to the right to a set iron rod to and for the POINT OF BEGINNING, said curve having a radius of 4990.00 feet, an arc length of 501.82 feet, a chord length of 501.61 feet, a chord bearing of N $44^{\circ} 24' 00''$ W, and an included angle of $05^{\circ} 45' 43''$. Thence continue along the east right-of-way of Craft-Goodman Frontage Road along a curve to the right to a found chiseled "x" in an existing sidewalk, said curve having a radius 4990.00 feet, an arc length of 256.13 feet, a chord length of 256.10 feet, a chord bearing of N $40^{\circ} 02' 55''$ W, and an included angle of $02^{\circ} 56' 27''$; thence continue along the east right-of-way of Craft-Goodman Frontage Road N $38^{\circ} 34' 41''$ W for 629.12 feet to a found iron rod at the northwest corner of a parcel shown as Future Development on the recorded plat of The Crossings at Olive Branch; thence run along the north line of said Future Development parcel N $89^{\circ} 54' 15''$ E for 770.84 feet to a found iron rod; thence continue along the boundary line of said Future Development parcel S $01^{\circ} 31' 43''$ W for 231.89 feet to a found iron rod; thence continue along the north line of said Future Development parcel S $87^{\circ} 58' 48''$ E for 451.63 feet to a set iron rod; thence leaving the north line of said Future Development parcel run S $00^{\circ} 05' 45''$ E for 21.01 feet to a set iron rod; thence run S $89^{\circ} 54' 15''$ W for 469.13 feet to a set iron rod; thence run S $02^{\circ} 13' 16''$ W for 66.48 feet; thence run S $19^{\circ} 29' 34''$ W for 61.56 feet; thence run S $08^{\circ} 01' 38''$ W for 44.80 feet; thence run S $16^{\circ} 59' 47''$ W for 75.17 feet; thence run S $24^{\circ} 38' 21''$ W for 63.05 feet; thence run S $37^{\circ} 24' 03''$ W for 72.11 feet; thence run S $46^{\circ} 45' 16''$ W for 93.89 feet back to the POINT OF BEGINNING. Said parcel contains 319,423 square feet or 7.33 acres, more or less.

EXHIBIT "B"

Permitted Exceptions

1. Final Plat The Crossings at Olive Branch dated December 4, 1996, recorded at Plat Book 68, Page 37, in the land records of DeSoto County, Mississippi;
2. Utility Easement dated April 14, 1993, recorded at Book 262, Page 198, aforesaid records.
3. Declaration of Restrictive Covenant dated March 30, 2002, recorded at Deed Book 418, Page 478, rerecorded at Book 437, Page 62, aforesaid records;
4. Reciprocal Access Servitude Agreement dated April 29, 2002, recorded at Deed Book 418, Page 485, rerecorded at Book 437, Page 70, aforesaid records; and
5. Easements With Covenants and Restrictions Affecting Land dated November 18, 2002, recorded at Deed Book 433, Page 466, rerecorded at Deed Book 440, Page 516, aforesaid records.