

BK 45720PG0040

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

2005 DEC 20 PM 2:00

TOM LAWLER, CLERK

Return to Shirley Herren  
Trinity Title Ins. Agency  
437 E. Ponce De Leon Ave.  
Decatur, GA 30030-1938

51236

Prepared by ~~and return~~ to:  
Kristina Kopf Thomas, Esq.  
King & Spalding LLP  
191 Peachtree Street  
Atlanta, Georgia 30303

PT-61 # 067-2005-048743  
GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX  
\$ 6,500.00  
TOM LAWLER CLERK OF  
SUPERIOR COURT

STATE OF GEORGIA

COUNTY OF GWINNETT

**LIMITED WARRANTY DEED**  
(Gwinnett County, Store 6/10/41)

THIS INDENTURE, made this 18 day of november, 2005, by and between **PIKE NURSERY HOLDING LLC**, a Georgia limited liability company, (hereinafter referred to as "**Grantor**"), and **SPIRIT MASTER FUNDING, LLC**, a Delaware limited liability company (hereinafter referred to as "**Grantee**") (the words "Grantor" and "Grantee" to include their respective heirs, successors, legal representatives and assigns where the context requires or permits);

**WITNESSETH: THAT,**

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee that certain tract or parcel of land described on Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as the "**Property**");

TOGETHER WITH all buildings, structures, and improvements thereon and all rights, members, easements, and appurtenances appertaining to the Property and all right, title, and interest of Grantor in and to alleys, streets, and rights-of-way adjacent to or abutting the Property;

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**BK45720PG0041**

TO HAVE AND TO HOLD the Property with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit, and behoof of Grantee forever in FEE SIMPLE. SUBJECT, HOWEVER, to the matters set forth in Exhibit B, attached hereto and incorporated herein by this reference.

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except as to claims arising under those matters set forth in Exhibit B hereto.

*[signature on following page]*

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IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed under seal as of the day and year first above written

GRANTOR:

**PIKE NURSERY HOLDING LLC,**  
a Georgia limited liability company

Signed, sealed and delivered  
in the presence of:

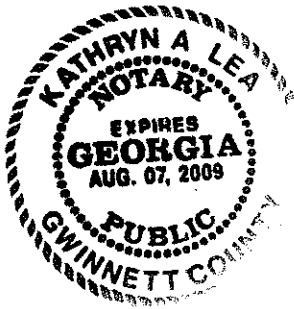
Melinda Y Cope  
Witness  
Kathryn A Lea  
Notary Public

By: R Andrew Garner  
R Andrew Garner  
Secretary

My commission expires:

8/7/09

[NOTARIAL SEAL]



**Exhibit B**

Permitted Exceptions

1. Easement and maintenance rights contained in that certain Right of Way Deed from Insight Investors, a limited partnership, to Department of Transportation, dated September 30, 1982, filed for record October 6, 1982 and recorded in Deed Book 2453, page 605, aforesaid records.
2. Easement granted in that certain Quitclaim Deed from King-Sturdivant, Inc. to W.L. Gentry and L.P. Thompson d/b/a Gentry and Thompson, a partnership, dated March 27, 1973 and recorded in Deed Book 637, page 36, aforesaid records.
3. The following matters disclosed on the ALTA/ACSM Land Title Survey for Pike Nursery Holding LLC and First American Title Insurance Company by Preston Land Surveyors of Bock & Clark's National Surveyors Network bearing the seal of Abb W. Preston, Georgia Registered Land Surveyor No. 1799:
  - a) 50 foot setback line along Lawrenceville Highway/US Hwy 29 and Azalea Drive;
  - b) 10 foot setback line along westernmost northwestern, easternmost northwestern and westernmost southeastern boundary lines;
  - c) 20 foot setback lines along easternmost southeastern boundary lines;
  - d) gas valves, water valves, electric boxes and other utility apparatus throughout the property.
4. Plat dated September November 18, 2005, filed for record November 18, 2005 and recorded in Plat Book 112, page 69, aforesaid records.
5. Unrecorded ground lease with Outdoor Systems (aka Viacom) dated April 19, 1995.

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Legal Description

All that tract or parcel of land situate and being in Land Lot 139 of the 6<sup>th</sup> District of Gwinnett County, Georgia and being more particularly described as follows:

Commence at an iron pin found on the mitered south right of way of Lawrenceville Highway (88' right of way) and the northeastern right of way of Pounds Drive (60' right of way) and go along said miter N14°19'03"E a distance of 32.05' to an iron pin found; thence along the south right of way of Lawrenceville Highway N63°40'05"E a distance of 334.96' to an iron pin found and the Point of Beginning; thence along said right of way N63°40'05"E a distance of 79.65' to an iron pin found; thence along said right of way around a curve to the left 310.49' said curve having a radius of 949.33' and a chord of N53°24'01"E a distance of 309.11' to an iron pin found; thence S45°56'46"E a distance of 210.09' to an iron pin found; thence S45°56'46"E a distance of 210.09' to an iron pin found; thence go N64°34'25"E a distance of 419.78' to an iron pin found on the east right of way of Langford Drive (variable right of way); thence along said east right of way S29°41'35"E a distance of 94.09' to an iron pin found; thence along said right of way as it becomes west right of way of Azalea Drive S11°38'35"E a distance of 203.88' to an iron pin found; thence along said right of way S19°22'22"E a distance of 189.48' to an iron pin found; thence S71°25'20"W a distance of 665.43' to an iron pin found; thence S25°00'57"E a distance of 158.38' to an iron pin found; thence S61°17'22"W a distance of 238.41' to an iron pin set; thence N25°43'32"W a distance of 521.02' to an iron pin found; thence N0°20'19"W a distance of 207.08' to the Point of Beginning.

Said tract contains 11.8031 acres or 514144 square feet.