

This instrument was prepared by:  
Clayton T. Sweeney, Esquire  
2700 Highway 280 East  
Suite 290E  
Birmingham, AL 35223

Send Tax Notice to:  
Eddleman Properties, Inc.  
2700 Highway 280 East  
Suite 325  
Birmingham, Alabama 35223

### STATUTORY WARRANTY DEED

STATE OF ALABAMA )  
COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, that in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, paid to the undersigned grantor, **BROOK HIGHLAND HIGHWAY, L.L.C., a Delaware limited liability company**, in hand paid by Grantee named herein, the receipt of which is hereby acknowledged, the said **BROOK HIGHLAND HIGHWAY, L.L.C., a Delaware limited liability company** (hereinafter referred to as "Grantor") does by these presents, grant, bargain, sell and convey unto **EDDLEMAN PROPERTIES, INC., an Alabama Corporation** (hereinafter referred to as "Grantee"), the following described real estate (the "property"), situated in Shelby County, Alabama, to-wit:

Lot 1401 & Lot 1402, according to the survey of Brook Highland, an Eddleman Community, 14th Sector, as recorded in Map Book 23, Page 2 A & B, in the Probate Office of Shelby County, Alabama.

Mineral and mining rights excepted.

The above property is conveyed subject to:

(i) All valid and enforceable easements, covenants, conditions and restrictions of record, including, without limitation, that certain Declaration of Protective Covenants recorded in Book 194 at Page 254, in the Office of the Judge of Probate of Shelby County, Alabama, as amended by that certain Supplementary Declaration of Protective Covenants of Brook Highland, 14th Sector, as recorded in Instrument NO. 1997-32823 the Office of the Judge of Probate of Shelby County, Alabama, (ii) the lien of ad valorem and similar taxes (but not including "rollback" taxes) for 1998 and subsequent years, and (iii) all matters that would be revealed by a current and accurate physical survey of the subject property.

By its acceptance of this deed, Grantee hereby covenants and agrees for itself and its successors, assigns, licensees, lessees, employees and agents that Grantor shall not be liable for, and no action shall be asserted against Grantor for, loss or damage on account of injuries to the Property or to any buildings, improvements, or structures now or hereafter located upon the Property, or on account of injuries to any owner, occupant, or other person in or upon the Property, which are caused by, or arise as a result of, past or future soil and/or subsurface conditions, known or unknown, (including, without limitation, sinkholes, underground mines, and limestone formations) under or on the Property or any other property now or hereafter owned by Grantor, whether contiguous or non-contiguous to the Property. For purposes of this paragraph the term Grantor shall mean and refer to (i) the partners, agents, and employees of Grantor, (ii) the officers, directors, employees and agents of Grantor or trustees thereof, (iii) any successors or assigns of Grantor, and (iv) any successors and assigns of Grantor's interest in the Property. This covenant and agreement shall run with the land conveyed hereby as against Grantee, and all persons, firms, trusts, partnerships, limited partnerships, corporations, or other entities holding under or through the Grantee.

THIS INSTRUMENT IS EXECUTED AS REQUIRED BY THE ARTICLES OF ORGANIZATION AND OPERATIONAL AGREEMENT OF BROOK HIGHLAND HIGHWAY, L.L.C. AND SAME HAVE NOT BEEN MODIFIED OR AMENDED.

Inst # 1999-04907

1002/04/1999-04907  
09:06 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
008 CEN 101.00

CLAYTON T. SWEENEY, ATTORNEY AT LAW

TO HAVE AND TO HOLD to the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Brook Highland Highway, L.L.C., a Delaware limited liability company has caused this statutory warranty deed to be executed by its duly authorized officer this \_\_\_\_ day of December, 1998.

GRANTOR:


**BROOK HIGHLAND HIGHWAY, L.L.C.**  
a Delaware limited liability company

BY:   
ITS: Manager

STATE OF North Carolina)  
COUNTY OF Mecklenburg)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Allen S. Jackson, Jr. whose name as Manager of Brook Highland Highway, L.L.C., a Delaware limited liability company, is signed to the foregoing Deed; and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Deed, he, as such Manager, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and office seal of office this the 30<sup>th</sup> day of December, 1998.


  
Notary Public  
My Commission Expires: 6-22-2000  
PATRICIA F WAITE

BROOK HIGHLAND - 14TH SECTOR  
LOTS 1401 & 1402 - Eddleman Properties, Inc.

The Grantees execute this deed only to acknowledge and accept all covenants and restrictions contained hereinabove.

EDDLEMAN PROPERTIES, INC.

By


  
Douglas D. Eddleman  
Its President

Brook Highland - 14th Sector  
Lots 1401 & 1402

STATE OF ALABAMA     )  
COUNTY OF JEFFERSON     )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Douglas D. Eddleman whose name as President of Eddleman Properties, Inc. is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as such officer and with full authority executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 31<sup>st</sup> day of December, 1998.

  
Notary Public  
My Commission expires: 5-29-99

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02/02/1999-04907  
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003 CRN 101.00