

This instrument prepared by:  
J. V. SPENCER, III  
Attorney at Law  
P. O. Box 361785  
Birmingham, Alabama 35236

Inst # 1999-18010

**WARRANTY DEED** 04/29/1999-18010  
03:25 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 WMS 281.00

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DOUGLAS M. KENT, II, GRANTOR, a married man, but no part of this conveyance constitutes his homestead, for and in consideration of the sum of Two Hundred Sixty-Five Thousand and No/100 Dollars (\$265,000.00) to me in hand paid by CARBONE PROPERTIES OF ALABASTER, LLC, GRANTEE, the receipt whereof I hereby acknowledge, do grant, bargain, sell and convey unto CARBONE PROPERTIES OF ALABASTER, LLC, GRANTEE, the following described real estate, all situated in Alabaster, Shelby County, Alabama, to-wit:

Commence at the Southwest Corner of Section 11, Township 21 South, Range 3 West, Alabaster, Shelby County, Alabama, and run thence Easterly along the South line of said Section 11 a distance of 1,600.69 feet to a point on the East side of Alabama Highway No. 119; thence turn a deflection angle of 65 degrees 48 minutes 59 seconds left and run Northeasterly parallel with the future right-of-way line of Alabama Highway No. 119 a distance of 803.19 feet to a steel rebar corner and the point of beginning of the property being described; thence continue along last described course a distance of 325.00 feet to a steel rebar corner; thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run a distance of 469.11 feet to a steel rebar corner; thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run Southwesterly parallel with the West line of subject property a distance of 325.00 feet to a steel rebar corner; thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run Northwesterly a distance of 469.11 feet to the point of beginning, containing 3.50 acres.

This conveyance is subject to all previous mineral conveyances, reservations, and exceptions to any valid rights-of-way of record, and to any protective covenants or restrictions which may have been recorded in the records of Shelby County, Alabama, affecting the above-described property.

GRANTOR does hereby reserve from this conveyance all oil, gas, coal, or other hydrocarbons or minerals of any kind or description whatsoever lying in, under, or upon the above-described property. GRANTOR shall not conduct any surface operation upon the above-described property, including, but not limited to, drilling, stripping, piping, or storing, in connection with such rights, it being intended that such activities shall be conducted on other lands, and GRANTOR shall not exercise such rights in a manner which will injure or damage any of GRANTEE'S improvements on the above-described property, or otherwise physically damage said property.

GRANTOR by these presents does hereby grant to GRANTEE, its agents, guests, licensees, customers, tenants, successors and assigns two (2) fifty (50) foot temporary easements from said property to Alabama Highway No. 119, which temporary easements shall terminate and be null and void upon the dedication and acceptance by the City of Alabaster of the future streets, one (1) street running on the Northeast side of the above-described property in a Northwesterly direction to Alabama Highway No. 119, and the other street running parallel to Highway No. 119 on the Northwest side of the above-described property, and as more specifically shown on Exhibit A, attached hereto, and made a part hereof. Said temporary easements shall be within said proposed streets in a straight line to its connection with the now existing right-of-way of Alabama Highway No. 119, as shown by cross-hatched marks on said Exhibit A and said temporary easements shall be used for ingress, egress, and for all necessary utilities.

TO HAVE AND TO HOLD the aforegranted premises to CARBONE PROPERTIES OF ALABASTER, LLC, its successors and assigns, forever.

AND I, for myself and my heirs and assigns, do hereby covenant with CARBONE PROPERTIES OF ALABASTER, LLC, its successors and assigns, that I am lawfully seized in fee of the aforegranted premises; that they are free from all incumbrances; that I have good right to sell and convey the same, and that I will warrant and defend the said premises to the said CARBONE PROPERTIES OF ALABASTER, LLC, its successors and assigns, forever against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, DOUGLAS M. KENT, II, have hereunto set  
my hand and seal this 29th day of April, 1999.

Douglas M. Kent II  
Douglas M. Kent, II

**ACKNOWLEDGMENT**

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said county in  
said state hereby certify that Douglas M. Kent, II, whose name 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 executed the same voluntarily on the  
day the same bears date.

GIVEN UNDER MY HAND this 29th day of April, 1999.

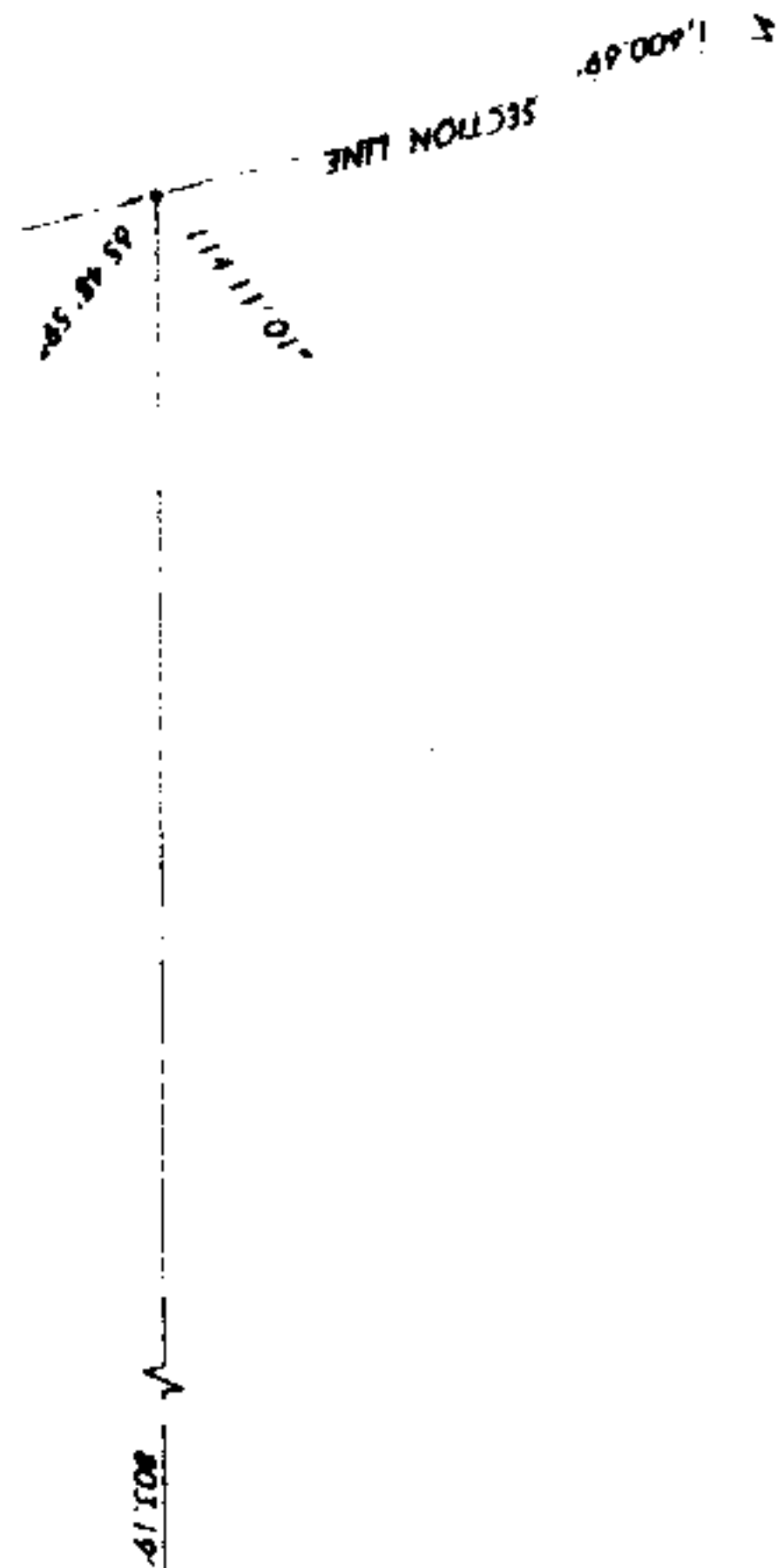
Catherine L. Weakling  
Notary Public

My Commission Expires:  
MY COMMISSION EXPIRES OCTOBER 24, 2001

Exhibit "A"

SECTION LINE  
SW CORNER 2-15 E3W  
SEC 11, T5 S2-15 E3W  
SHELBY COUNTY, AL

BUCK CREEK PLAZA  
COMMERCIAL DEVELOPMENT



PROPOSED FUTURE RIGHT OF WAY FOR HIGHWAY NO. 119

FUTURE HIGHWAY 119 RIGHT OF WAY

FUTURE HIGHWAY 119 R.O.W.

PROPOSED FUTURE STREET

RIGHT OF WAY

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004 100 201.00



SCALE: 1" = 100.00'



STATE OF ALABAMA  
COUNTY OF SHELBY

I, Joseph E. Corn, Jr., Registered Land Surveyor, State of Alabama do hereby certify to Douglas M. Kern, III, Carbon Properties of Alabama, LLC and First American Title Insurance Company, that this is a true and correct plat of my survey as shown hereon; That there are no visible encroachments of any kind upon the subject property except as shown hereon; That steel rebar corner have been found or located at all property corners as shown hereon represented by small open circles. I further certify that I have consulted the Federal Insurance Administration's Flood Hazard Panel for the area and have determined that no part of the subject property is in a special flood prone area, the correct legal description being as follows:

Commence at the southwest corner of Section 11, Township 21 south, Range 3 west, Alabama, Shelby County, Alabama and run thence easterly along the south line of said section 11 a distance of 1,600.69' to a point on the east side of Alabama Highway No. 119, Thence turn a deflection angle of 65 degrees 48 minutes 59 seconds left and run northeasterly parallel with the future right of way line of Alabama Highway No. 119 a distance of 803.19' to a steel rebar corner and the point of beginning of the property being described; Thence continue along last described course a distance of 325.00' to steel rebar corner; Thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run a distance of 469.11' to a steel rebar corner; Thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run northeasterly parallel with the west line of subject property a distance of 325.00' to a steel rebar corner; Thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run northeasterly a distance of 469.11' to the point of beginning, containing 3.50 acres and subject to any and all agreements, easements, restrictions and / or limitations of probated record and / or applicable law.

According to my survey of April 2, 1999

Joseph E. Corn, Jr. Alabama Registered Number 9049

Job No. 8118  
Alabama Post Office Survey  
Peter Kern

