

Send Tax Notice To:

Bayer Construction, L.L.C.  
2100 16<sup>th</sup> Avenue South, Suite 111  
Birmingham, Alabama 35205  
Attn: David L. Silverstein

**STATE OF ALABAMA     )**

**SHELBY COUNTY         )**

**STATUTORY WARRANTY DEED**

**THIS IS A WARRANTY DEED** executed and delivered this 9 day of September, 1999 by **St. Vincent's Hospital**, an Alabama non-profit corporation (hereinafter referred to as the "Grantor"), to **Bayer Construction, L.L.C.**, an Alabama limited liability company (hereinafter referred to as the "Grantee").

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of the sum of Three Million Six Hundred Twenty Thousand and 00/100 Dollars (\$3,620,000.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, the Grantor does by these presents, grant, bargain, sell and convey unto the Grantee, Bayer Construction, L.L.C., the real estate described on **Exhibit "A"** attached hereto and made a part hereof, situated in Shelby County, Alabama.

**TOGETHER WITH** all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor in and to any and all roads, alleys and ways bounding said premises.

This conveyance is subject to the Permitted Encumbrances as set forth on **Exhibit "B"** attached hereto and made a part hereof.

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

The Grantor hereby covenants and agrees with Grantee, its successors and assigns, that the Grantor, its successors and assigns, will warrant and defend the above described real estate against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under the Grantor, but not further or otherwise.

**Inst # 1999-38033**

**09/10/1999-38033**  
**10:22 AM CERTIFIED**  
**SHELBY COUNTY JUDGE OF PROBATE**  
**004 NWS 10.00**

IN WITNESS WHEREOF, the Grantor has caused this Statutory Warranty Deed to be executed by CURTIS JAMES, its PRESIDENT & CEO, who is duly authorized hereunto, on this 9 day of September, 1999.

**ST. VINCENT'S HOSPITAL, an Alabama non-profit corporation**

By:

Its:

Curtis James  
President & CEO

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Curtis James, whose name as President & CEO of **St. Vincent's Hospital**, an Alabama non-profit corporation, is signed to the foregoing Statutory Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Statutory Warranty Deed, 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 this the 9<sup>th</sup> day of September, 1999.

Ann H. Gargarek

Notary Public

My Commission Expires: 4/19/01

THIS INSTRUMENT PREPARED BY:  
Denise W. Killebrew, Esq.  
Berkowitz, Lefkovits, Isom & Kushner  
420 North 20<sup>th</sup> Street  
SouthTrust Tower, Suite 1600  
Birmingham, Alabama 35203

**EXHIBIT "A"**  
**Legal Description**

A part of Lot 1A, St. Vincent's Resurvey, as recorded in Map Book 16, Page 72 in the office of the Probate Judge of Shelby County, Alabama, being more particularly described as follows:

Begin at the Southernmost corner of Lot 1A, St. Vincent's Resurvey and run North  $45^{\circ}35'58''$  East along the Southeasterly line of said Lot 1A a distance of 479.32 feet to a point; thence North  $44^{\circ}24'$  West a distance of 776.03 feet to a point; thence North  $61^{\circ}22'48''$  West a distance of 50.00 feet to a point; thence South  $28^{\circ}37'12''$  West a distance of 208.87 feet to a point on a curve to the right having a radius of 225.00 feet, a central angle of  $29^{\circ}44'54''$  and a chord bearing of South  $56^{\circ}08'49''$  West; thence on the arc of said curve to the right in a Southwesterly direction a distance of 116.82 feet to the P.T. (point of tangent) of said curve; thence North  $71^{\circ}01'16''$  East in the tangent to said curve a distance of 36.99 feet to the P.C. (point of curve) of a curve to the left having a radius of 275.00 feet, a central angle of  $25^{\circ}25'39''$  and a chord bearing of South  $58^{\circ}18'27''$  West; thence along the arc of said curve to the left in a Southwesterly direction a distance of 122.04 feet to a point; thence South  $44^{\circ}24'23''$  East a distance of 826.51 feet to the POINT OF BEGINNING.

LESS AND EXCEPT any portion of such property, if any, that does not constitute a part of Lot 1A, St. Vincent's Resurvey, as recorded in Map Book 16, Page 72 in the Office of the Judge of Probate of Shelby County, Alabama.

**EXHIBIT "B"**  
**Permitted Encumbrances**

1. All taxes for the year 1999 and subsequent years, not yet due and payable.
2. 15 foot easement for drainage Westerly as shown by record map, Book 16, Page 38, in the Probate Office of Shelby County, Alabama.
3. 20 foot easement for drainage Southwesterly as shown by record map, Map Book 16, Page 38, in the Probate Office of Shelby County, Alabama.
4. 20 foot utility easement Westwardly as shown by record map, Map Book 16, Page 38, in the Probate Office of Shelby County, Alabama
5. Easement of undetermined width North and Northwest as shown by record map, Map Book 16, Page 38, in the Probate Office of Shelby County, Alabama.
6. 10 foot storm sewer easement as shown by record map, Map Book 16, Page 38 in the Probate Office of Shelby County, Alabama
7. Restrictions appearing of record in Misc. Record 9, page 513, and amended in Misc. Record 42, Page 428; Misc. Record 52, page 969; Real 238, Page 916; Real 271, Page 363 and Real 271, Page 380 and Sixth Amendment to and Restatement of Certain Provisions of Restrictive Covenants recorded as Instrument #1992-10301 all in the Probate Office of Shelby County, Alabama, as modified by Consent and Waiver recorded immediately prior hereto.
8. Utility easement as recorded in Real 105, Page 733, in the Probate Office of Shelby County, Alabama.
9. Mineral and mining rights and rights incident thereto, covenants, exceptions, reservations, and release of damages as set forth in Deed Book 335, Page 58, in the Probate Office of Shelby County, Alabama.
10. For so long as the adjacent parcel (to be defined as Lot 1 River Ridge Plaza in the Map of Subdivision to be recorded subsequent hereto) is owned by St. Vincent's Hospital, or any affiliate thereof, and is being used for a primary healthcare facility, the following activities on or uses of the Property shall be prohibited, which restriction shall run with the land:
  - \_\_\_\_\_ hospital, retirement home, and extended care facilities;
  - \_\_\_\_\_ medical and dental laboratories;
  - \_\_\_\_\_ medical professional efforts or other medical facilities offering normal and customary medical care;
  - \_\_\_\_\_ medical clinics and treatment centers;

provided, however, that such prohibited activities and uses shall not include retail facilities for the retail sale of medically related products and services such as drug stores, eyewear shops, health food stores and spas and fitness centers.

407623-3  
018182.000701

Inst # 1999-38033

09/10/1999-38033  
10:22 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 NWS 18.00