

Inst # 2000-34173
09/28/2000-34173
10:07 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MEL 17.00

GENERAL WARRANTY DEED

THIS INDENTURE, made as of the 1st day of September, 2000, by and between Jack Whatley, ("GRANTOR"), whose address is P.O. Box 1731 Alabaster, Alabama 35007, and Mesquite Creek Development, Inc., a Georgia corporation existing under the laws of the State of Georgia, whose address is 300 Technology Court Smyrna, Georgia 30082 (hereinafter referred to as "**GRANTEE**") (the words "GRANTOR" and "GRANTEE" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits).

W I T N E S S E T H:

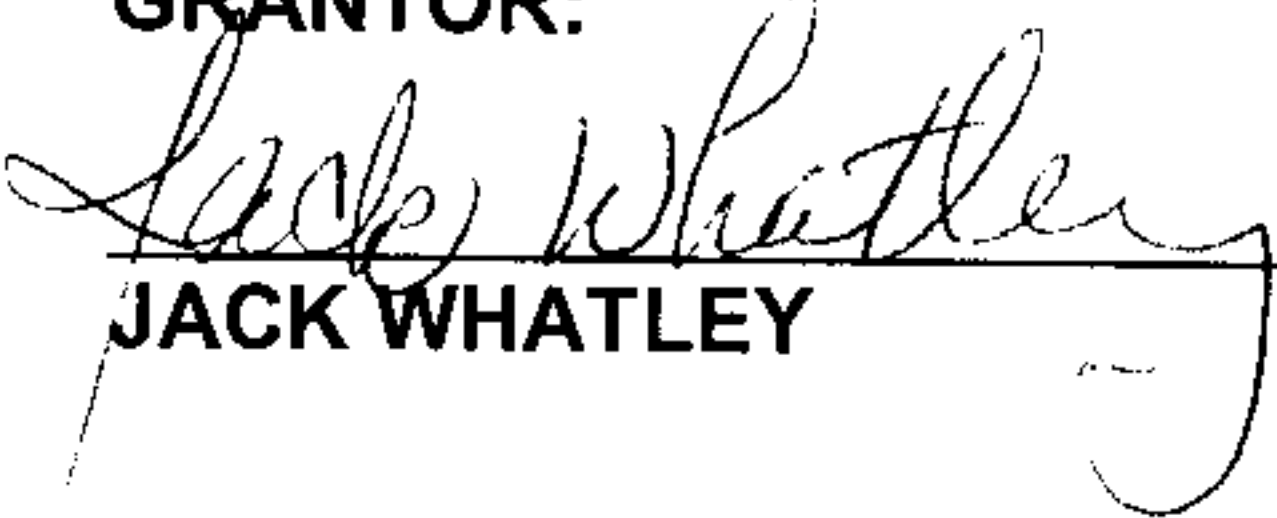
GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and for other good and valuable consideration in hand paid by GRANTEE to GRANTOR at and before the sealing and delivery hereof, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto the said GRANTEE all that tract or parcel of land lying and being in Montevallo, Shelby County, Alabama, as more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Land") , TOGETHER WITH all buildings and other improvements situated thereon or attached thereto and all tenements, hereditaments, improvements, appurtenances, rights, easements, licenses, benefits and rights-of-way appurtenant to the Land, all Grantor's right, title and interest in and to that certain lease with Racetrac Petroleum, Inc. recorded in Deed Book 50, Page 377 and all of Grantor's right, title and interest in and to any existing or proposed streets, roadways, alleys and/or rights-of-way adjacent to the Land (hereinafter collectively called the "**Property**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, easements, 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.

AND GRANTOR covenants and warrants unto GRANTEE that GRANTOR is lawfully seized and possessed of the entire fee simple estate in and to the Property; that GRANTOR has the lawful and good right to convey same to GRANTEE; that GRANTOR will execute and deliver such further conveyances and do such further acts as may become necessary to fully vest in GRANTEE the entire fee simple estate in and to the Property; and that GRANTOR will warrant and forever defend the right and title to the Property unto GRANTEE against the claims of all persons whomsoever, excluding those matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

THE PROPERTY IS NOT CURRENTLY THE HOMESTEAD OF THE GRANTOR, AND NOT CONTIGUOUS TO GRANTOR'S HOMESTEAD.

IN WITNESS WHEREOF, GRANTOR has caused this deed to be signed, sealed and delivered as of the day and year first above written.

GRANTOR:
 (SEAL)
JACK WHATLEY

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Jack Whatley**, 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 foregoing conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 1st day of September, 2000.

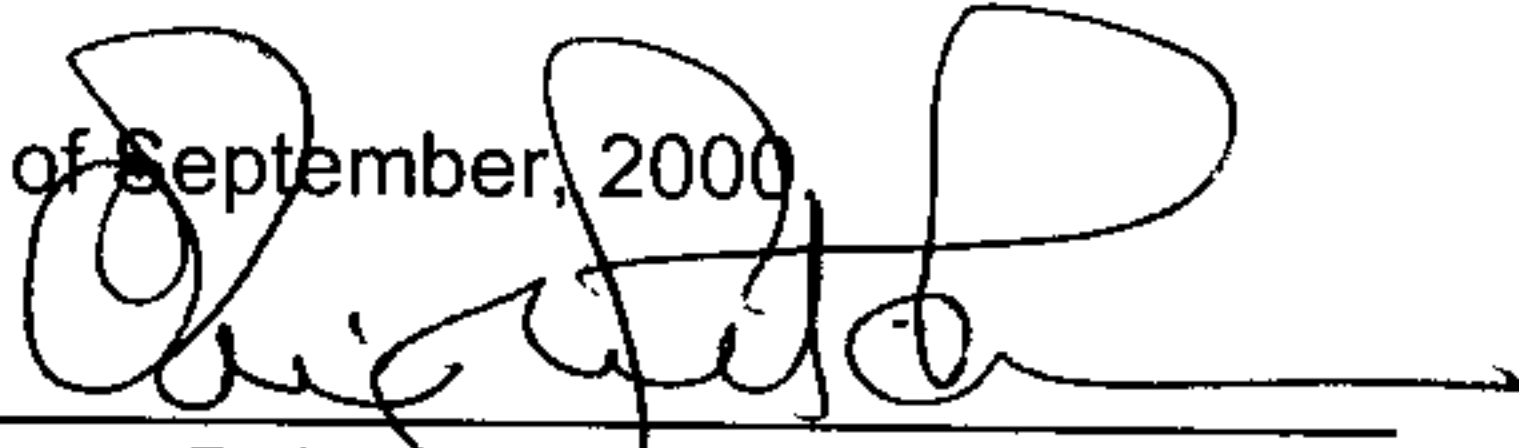

Notary Public
My Commission Expires: 5/13/04

Exhibit "A"

STATE OF ALABAMA
COUNTY OF SHELBY

PARCEL - 2

Commence at the southwest corner of the southwest quarter of the northeast quarter of Section 3, Township 24 north, Range 12 east, Shelby County, Alabama and run thence easterly along the south line of said quarter-quarter a distance of 312.57' to a point on the east line of Melton Street in the Town of Montevallo, Alabama; Thence run North 01° degree 24 minutes 44 seconds West a distance of 261.11' to a rebar corner; Thence run North 01° degrees 01 minute 29 seconds West along said east line of said Melton Street a distance of 390.80' to a found property corner; Thence run North 01° degrees 35 minutes 03 seconds East along east line of Melton Street a distance of 183.67' to a concrete monument on the south margin of Alabama Highway No. 25; Thence run North 00° degrees 24 minutes 18 seconds West a distance of 115.77' to a found rebar corner on the northerly margin of said Highway 25 and the point of beginning of the property being described; Thence run North 06° degrees 11 minutes 12 seconds East along an existing fence line a distance of 172.58' to a steel corner at a fence corner; Thence run North 16° degrees 26 minutes 22 seconds East along an existing fence line a distance of 76.35' to a found nail in concrete corner; Thence run North 85° degrees 08 minutes 10 seconds East along an existing fence line a distance of 126.78' to a found rebar corner; Thence run South 01° degree 15 minutes 46 seconds East part way along an existing fence line a distance of 273.20' to a set rebar corner on the north margin of Alabama Highway No. 25; Thence run North 84° degrees 10 minutes 55 seconds West along the north margin of said Highway 25 a distance of 173.44' to the point of beginning, containing 39,929 square feet, more or less.

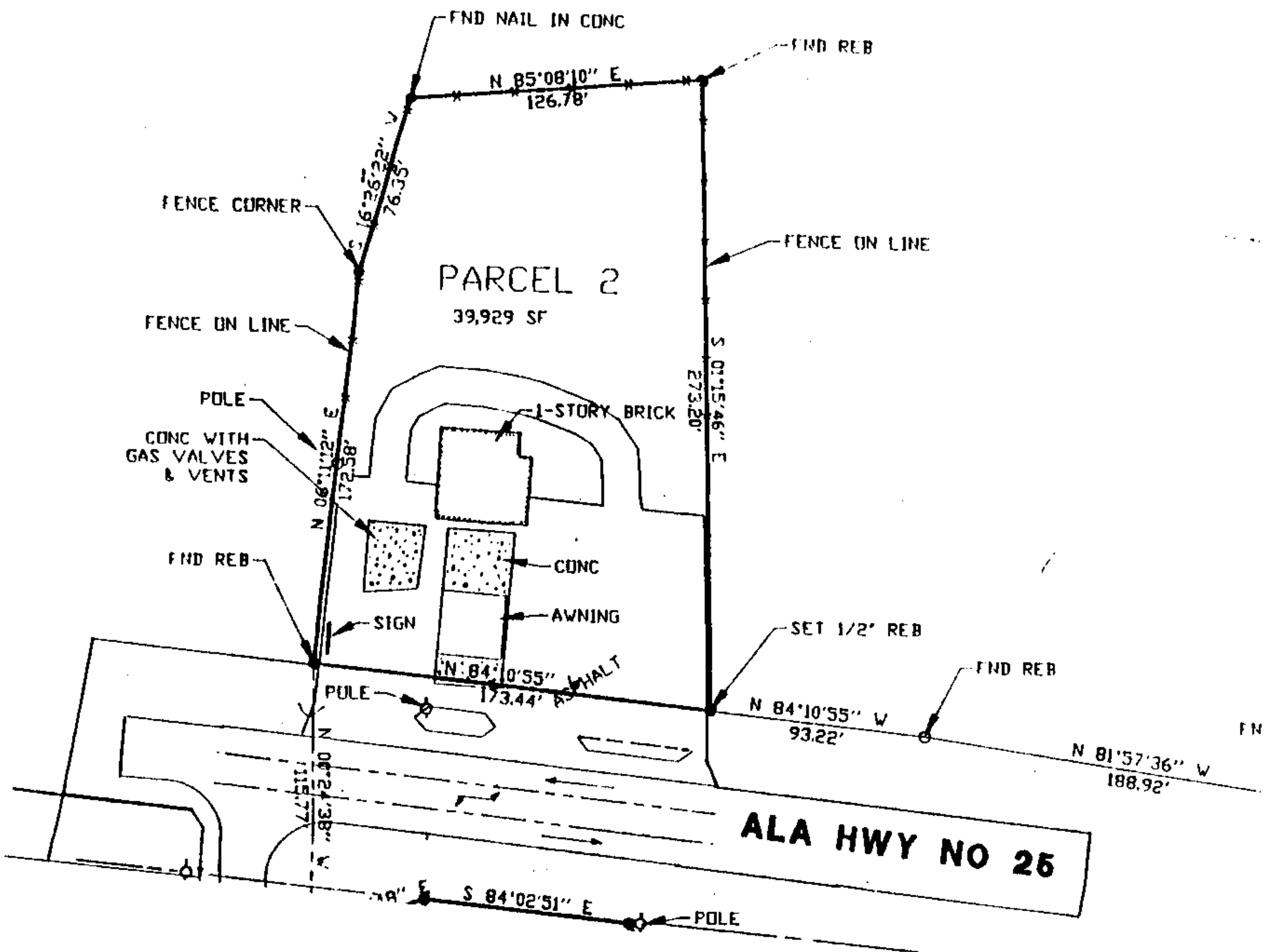


Exhibit "B"
Permitted Exceptions

1. Permit to Alabama Power Company recorded in Deed Book 247. Page 418.
2. Terms and conditions of lease between Nora Whatley and Racetrac Petroleum, Inc. as recorded in Real Book 50, Page 377.

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