

Send Tax Notice to:

This Instrument prepared by:
Marjorie O. Dabbs, Esq.
King, Drummond & Dabbs, P.C.
100 Centerview Drive, Suite 180
Birmingham, Alabama 35216

STATE OF ALABAMA)

COUNTY OF SHELBY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Five Million Seven Hundred Thousand and No/100 Dollars (\$5,700,000.00) and other good and valuable consideration, to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is acknowledged, the undersigned, HELENA MARKETPLACE, L.L.C., an Alabama limited liability company ("Grantor") does hereby grant, bargain, sell and convey unto HELENA I, LLC, a Delaware limited liability company ("Grantee"), its successors and assigns, the real estate described on Exhibit A attached hereto and made a part hereof, together with any and all buildings, improvements, fixtures, and appurtenances thereon or appertaining thereto. This conveyance is made subject to those items set forth in Exhibit A.

\$4,825,000.00 of the purchase price was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD to the said Grantee, its successors and assigns. And Grantor does for itself, and the successors and assigns of Grantor, covenant with the said Grantee, its successors and assigns, that Grantor is lawfully seized in fee simple of said premises; that they are free from all encumbrances, arising by, through, or under Grantor, unless otherwise noted above; that Grantor has a good right to sell and convey the same as aforesaid; that Grantor will and the successors and assigns of Grantor shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons, arising by, through, or under Grantor.

3 day of May, 2007. IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal this

GRANTOR:

HELENA MARKETPLACE, L.L.C., an
Alabama limited liability company

BY: SRC REALTY, L.L.C., an Alabama
limited liability company

Marjorie O. Dabb
Witness

Marjorie O. Dabb
Witness

By: E. Paul Stempel Jr [SEAL]
E. Paul Stempel, Jr., Member

By: Rick L. Griffith [SEAL]
Rick L. Griffith, Member

BY: SOUTHBARK PROPERTIES, L.L.C.,
an Alabama limited liability company

Marjorie O. Dabb
Witness

By: [Signature] [SEAL]
James A. Bruno

Its Managers

STATE OF ALABAMA)
 :
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **E. Paul Stempel, Jr.** and **Rick L. Griffith**, as Members of SRC Realty, L.L.C., in its capacity as a Member of Helena Marketplace, L.L.C., an Alabama limited liability company, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they as such Members and with full authority, executed the same voluntarily for and as the act of said limited liability company in its capacity as a Member of Helena Marketplace, L.L.C., on the day the same bears date.

Given under my hand and official seal this 3 day of May, 2007

Betty L. Widner
Notary Public

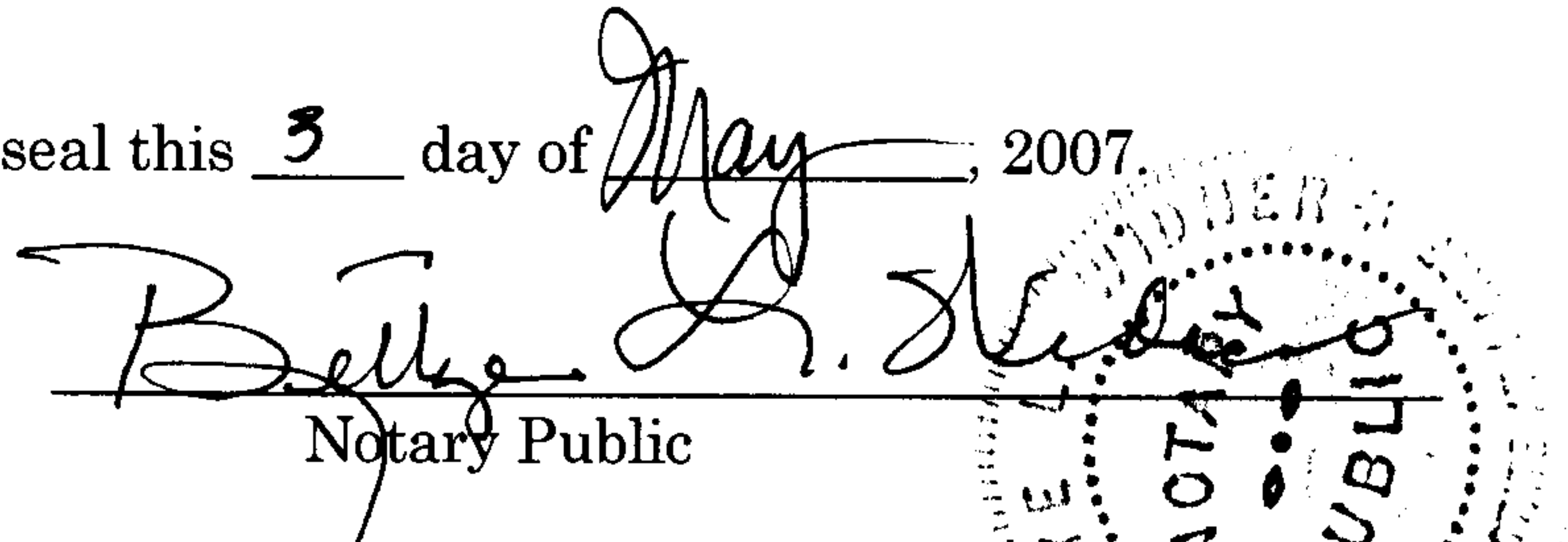
My Commission **BETTY L. WIDNER**
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES MARCH 29, 2009

20070510000219810 3/4 \$895.00
Shelby Cnty Judge of Probate, AL
05/10/2007 12:48:56PM FILED/CERT

STATE OF ALABAMA)
 :
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **James A. Bruno**, as a Manager of Southmark Properties, L.L.C., an Alabama limited liability company, on behalf of Southmark Properties, L.L.C. in its capacity as a Member of Helena Marketplace, L.L.C., is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company in its capacity as a Member of Helena Marketplace, L.L.C., on the day the same bears date.

Given under my hand and official seal this 3 day of May, 2007.


Notary Public
My Commission Expires: BETTYE L. WIDNER
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES MARCH 29, 2009

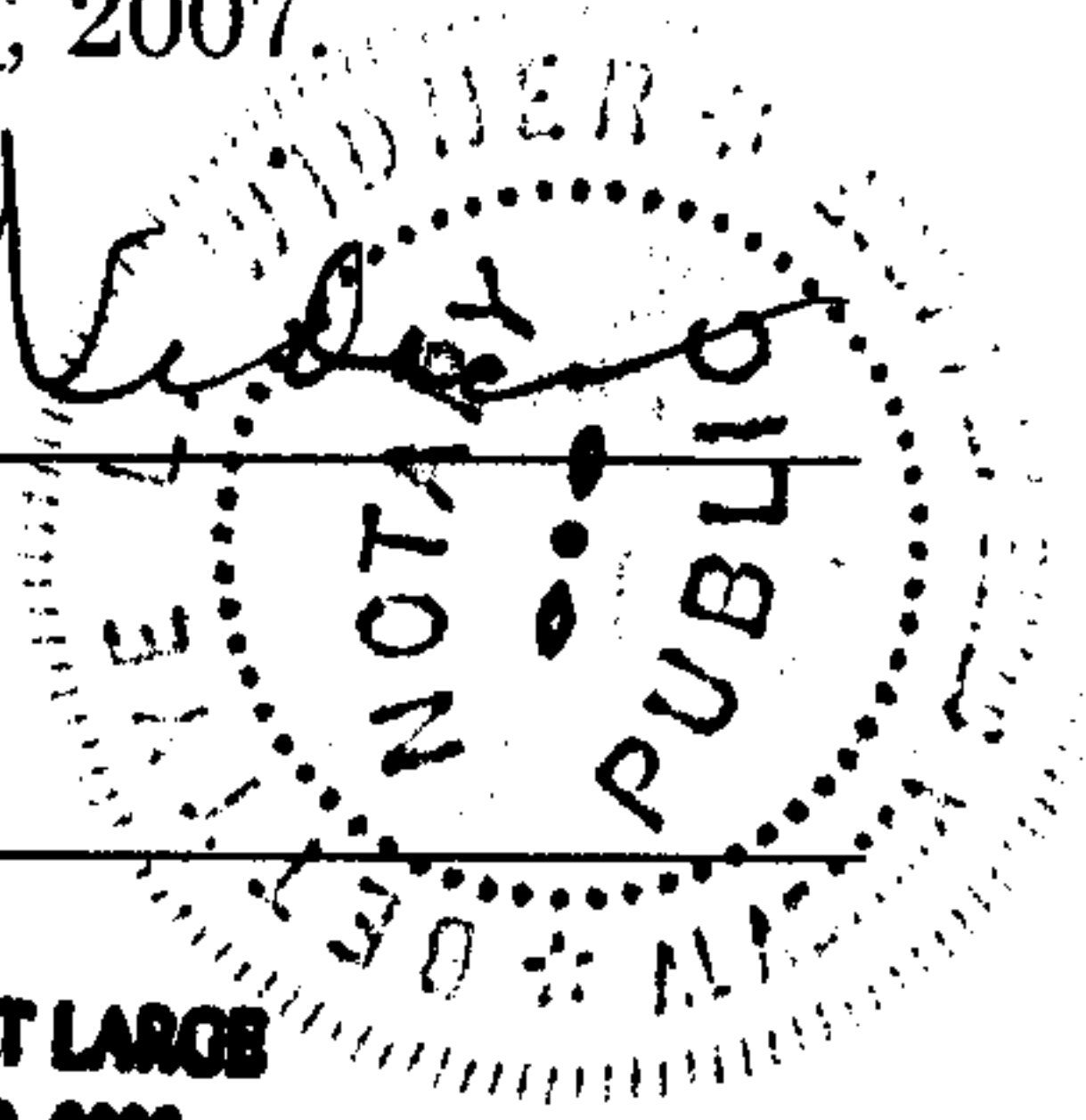


EXHIBIT A
Legal Description

20070510000219810 4/4 \$895.00
Shelby Cnty Judge of Probate, AL
05/10/2007 12:48:56PM FILED/CERT

Lot 1, Helena Marketplace, as recorded in Map Book 24, Page 141, in the Probate Office of Shelby County, Alabama.

Together with any beneficial rights that constitute an interest in real estate obtained under that certain Declaration of Covenants and Easements recorded in Instrument #19971113000371510, amended in Instrument #20010403000123310 and Declaration of Easements recorded in Instrument #1998121500049933.

Shelby County, AL 05/10/2007
State of Alabama

Deed Tax: \$875.00

SUBJECT to the following:

1. Ad valorem taxes for the current year, a lien but not yet due and payable.
2. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to gas, oil, sand and gravel in, on and under subject property.
3. Drainage easement condemned by the State of Alabama under Case No. 28-35, and described in instrument recorded in Real Book 249, Page 370; Real Book 226, Page 869 and Deed Book 78, Page 128 and as shown on survey by Barton F. Carr dated February 21, 2007.
4. Lease by and between Helena Marketplace, L.L.C., as Landlord, and Winn-Dixie Montgomery, Inc., as Tenant, dated November 10, 1997, as evidenced by Short Form Lease also dated November 10, 1997, and recorded as Instrument #1997-37152; said leasehold interest mortgaged by that certain Leasehold Mortgage between Winn-Dixie Montgomery, Inc. and Wachovia Bank, National Association, dated March 31, 2005, recorded in Instrument #20050627000316630.
5. Declaration of Covenants and Easements recorded in Instrument #19971113000371510 and amended in Instrument #20010403000123310.
6. Easement to BellSouth Telecommunications as recorded in Instrument #19980713000264580 and as shown on survey by Barton F. Carr dated February 21, 2007.
7. Declaration of Easements as recorded in Instrument #1998121500049933.
8. Easements and building lines as shown on map recorded in Map Book 24, Page 141, in the Probate Office of Shelby County, Alabama and as shown on survey by Barton F. Carr dated February 21, 2007.
9. Overhead utilities as shown on survey by Barton F. Carr dated February 21, 2007.
10. Matters of survey as shown on survey by Barton F. Carr dated April 5, 2007 and updated on April 19, 2007.
11. Rights of parties in possession under leases.
12. Any easement for any utility serving the Property whether of record or not.