

By J. Michael Rediker  
 Of Ritchie & Rediker, Attorneys  
 312 N. 23rd St., Birmingham, AL 35203

WARRANTY DEED

STATE OF ALABAMA     )  
                                   )  
 SHELBY COUNTY        )

KNOW ALL MEN BY THESE PRESENTS, that in consideration of One Thousand Dollars (\$1,000.00) and other valuable considerations, to the undersigned Grantors in hand paid by the Grantee herein, the receipt and sufficiency whereof is hereby acknowledged, we, Charles P. Bagby, Charles W. Daniel, Richard T. Darden, J. Michael Rediker, G. Allen Weatherford, Jr., and AmSouth Bank N.A., as Trustee of HBR Realty Trust Dated September 10, 1985 (herein together referred to as "Grantors") do grant, bargain, sell and convey unto FPI Birmingham, Ltd., an Alabama Limited Partnership organized under the Alabama Limited Partnership Act of 1983 (herein referred to as "Grantee") the following described real estate situated in Shelby County, Alabama, to-wit:

A parcel of land situated in the northeast quarter of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

From the southeast corner of said quarter section run in a westerly direction along the south line of said quarter section for a distance of 311.91 feet to a point on the west right of way line of a public county road known as Cahaba Beach Road, said point being the point of beginning of the parcel herein described; from the point of beginning thus obtained, run westerly along said south line of said quarter section for a distance of 1009.39 feet to the southwest corner of the southeast quarter of the northeast quarter of said section; thence turn an angle to the right of 87°-52'-43" and run in a northerly direction along the west line of the east half of the northeast quarter of said section 36 for a distance of 2687.32 feet to the northwest corner of said east half of the northeast quarter section; thence turn an angle to the right of 92°-09'-31" and run in an easterly direction along the north line of said section for a distance of 1314.78 feet to the northeast corner of said section; thence turn an angle to the right of 87°-42'-06" and run in a southerly direction along the east line of said section for a distance of 2128.72 feet to a point on the west right-of-way line of said Cahaba Beach Road, said point lying in a curve to the left, said curve having a radius of 756.37 feet, a central angle of 15°-33'-20" and a chord of 204.72 feet which forms an interior angle of 145°-24'-26" with the east line of said section; thence run in a southwesterly direction along the arc of said curve in said right of way for a distance of 205.35 feet to the end of said curve; thence run southwesterly along said right-of-way and tangent to the last curve for a distance of 327.30 feet to the beginning of a curve to the right in said right-of-way, said curve having a central angle of 5°-01'-58" and a radius of 1111.0 feet; thence run in a southwesterly direction along the arc of said curve for a distance of 97.58 feet to the point of beginning. Said parcel contains 79.118 acres, more or less.

Mineral and mining rights are excepted.

Subject to:

1. Taxes due October 1, 1985, which are a lien but are not due and payable until October 1, 1985.
2. Right-of-way to Shelby County, Alabama, as recorded in Volume 95, Page 525, in the Probate Office of Shelby County, Alabama.
3. Transmission line permit recorded in Volume 126, Page 188, in the aforesaid Probate Office.
4. Easement to Alabama Power Company as recorded in Volume 185, Page 120, in the aforesaid Probate Office.

LAND TITLE COMPANY  
 317 NORTH 20th STREET  
 BIRMINGHAM, ALA 35203

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The above-described real estate which is conveyed by this Warranty Deed is certified and acknowledged by the undersigned Grantors not to be the homestead or residence property of any of the Grantors.

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

And we do for ourselves and for our heirs, executors, administrators, successors and assigns, covenant with the said Grantee, its successors and assigns, that we are lawfully seized in fee simple of said premises and property herein conveyed; that such property and premises are free from all encumbrances, unless noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors, administrators, successors and assigns shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 12th day of September 1985.

Charles P. Bagby (SEAL)  
CHARLES P. BAGBY

Charles W. Daniel (SEAL)  
CHARLES W. DANIEL

Richard T. Darden (SEAL)  
RICHARD T. DARDEN

J. Michael Rediker (SEAL)  
J. MICHAEL REDIKER

G. Allen Weatherford, Jr. (SEAL)  
G. ALLEN WEATHERFORD, JR.

AMSOUTH BANK N.A., As Trustee of HBR  
Realty Trust Dated September 10, 1985

By [Signature] (SEAL)  
Vice President and Trust Officer

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

I, Pamela G. Beeson, a Notary Public in and for said County in said State, hereby certify that D. A. Ferguson whose name as Vice President and Trust Officer of AmSouth Bank N.A., a national banking association, as Trustee of HBR Realty Trust Dated September 10, 1985 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 said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said national banking association, acting in its capacity as trustee as aforesaid.

GIVEN under my hand and official seal this 12th day of September, 1985.

Pamela G. Beeson  
Notary Public

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STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Pamela G. Beeson, a Notary Public in and for said County in said State, hereby certify that Charles W. Daniel, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before or 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 and official seal this 12th day of September, 1985.

Pamela G. Beeson  
Notary Public

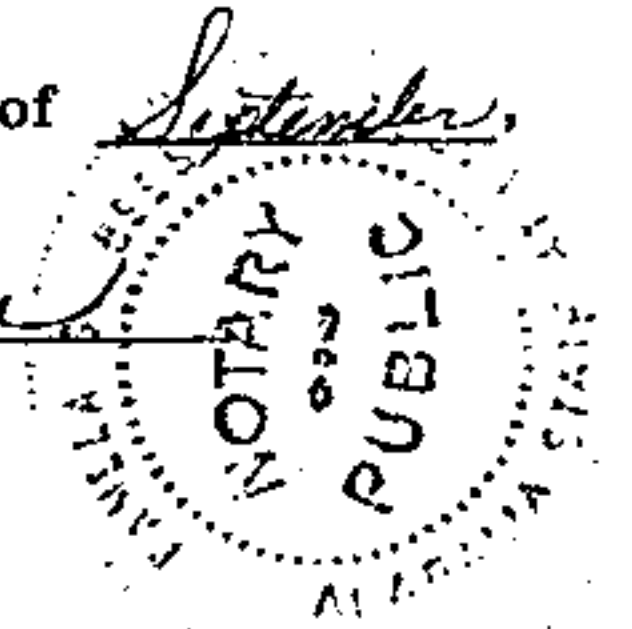


STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Pamela G. Beeson, a Notary Public in and for said County in said State, hereby certify that Richard T. Darden, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before 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 and official seal this 12th day of September, 1985.

Pamela G. Beeson  
Notary Public

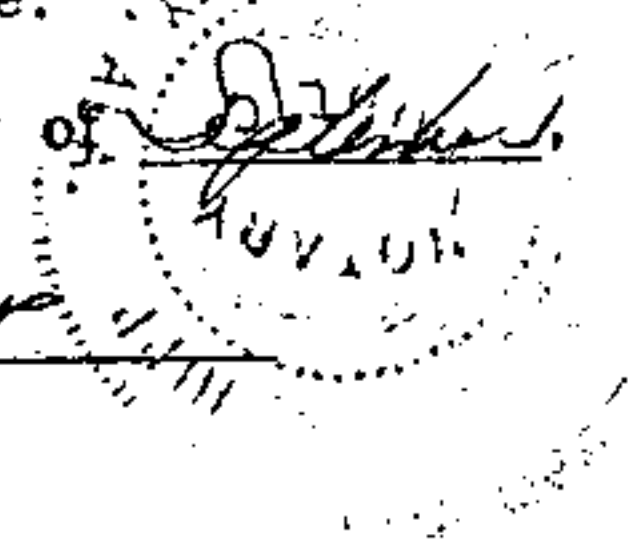


STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Doris W. Hupp, a Notary Public in and for said County in said State, hereby certify that J. Michael Rediker, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before 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 and official seal this 29th day of September, 1985.

Doris W. Hupp  
Notary Public

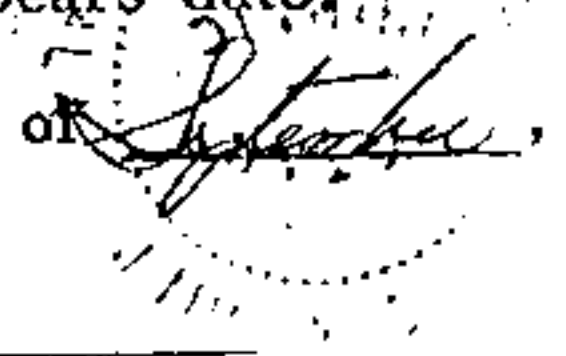


STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Doris W. Hupp, a Notary Public in and for said County in said State, hereby certify that G. Allen Weatherford, Jr., whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before 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 and official seal this 26th day of September, 1985.

Doris W. Hupp  
Notary Public



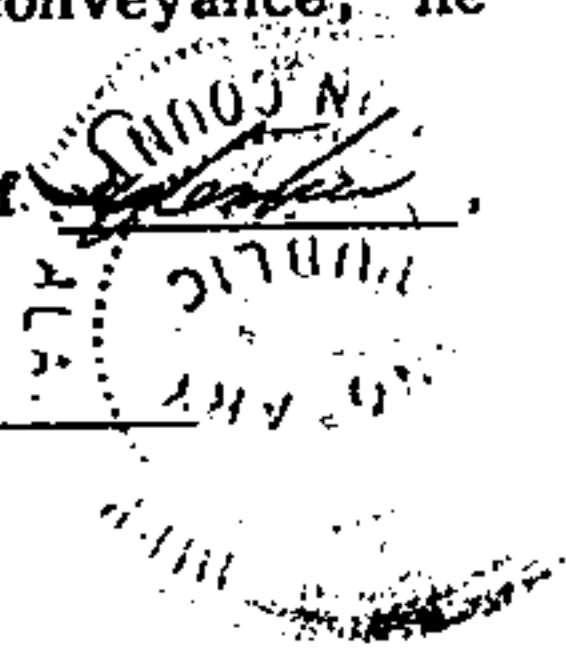
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STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, William W. Hupp, a Notary Public in and for said County in said State, hereby certify that Charles P. Bagby, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before 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 and official seal this 12<sup>th</sup> day of September, 1985.

William W. Hupp  
Notary Public



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STATE OF ALABAMA  
COUNTY OF JEFFERSON

1985 SEP 12 PM 4:08

#### RECORDING FEES

Mortgage Tax	\$	
Deed Tax		2,600.00
Mineral Tax		
Recording Fee		10.00
Index Fee		500
TOTAL		\$2,615.00