

This instrument was prepared by
Peggy A. Werdehoff, Attorney
USX Corporation
Fairfield, Alabama 35064

STATE OF ALABAMA
COUNTY OF SHELBY

CR 7 3122

KNOW ALL MEN BY THESE PRESENTS that, for and in consideration of One Hundred Dollars (\$100.00) and other valuable consideration paid to USX CORPORATION, formerly known as United States Steel Corporation, a Delaware corporation, hereinafter called "Grantor", by CHOICE BUILDERS, INC., an Alabama corporation, whose mailing address is 4509 Valleydale Road, Birmingham, Alabama 35244, hereinafter called "Grantee", the receipt and sufficiency of which are hereby acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto the said Grantee the following described real estate, MINERALS AND MINING RIGHTS EXCEPTED, situated in Shelby County, Alabama, to wit:

Lot 23, according to the survey of Heatherwood, Fourth Sector, Second Addition, as recorded in Map Book 12, Pages 79, 80 and 81 in the Probate Office of Shelby County, Alabama.

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RESERVING AND EXCEPTING, however, from this conveyance all of the coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coal bed methane gas, limestone, and all other minerals and non-mineral substances in and under said land, including water associated with the production of coal bed methane gas, together with the right to explore for, to drill for, to mine, to produce and to remove said coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coal bed methane gas, limestone, and all other minerals and non-mineral substances in and under said land, including water associated with the production of coal bed methane gas, without using the surface of said land; and also the right to transport through said land coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coal bed methane gas, limestone, and all other minerals and non-mineral substances from adjoining or other land without using the surface of the land hereby conveyed.

This conveyance is made upon the covenant and condition which shall constitute a covenant running with said land that no right of action for damages on account of injury to said land or to any buildings, improvements, structures, pipe lines and other sources of water supply now or hereafter located upon said land or to any owners or occupants or other persons in or upon said land, resulting from past mining or other operations of the Grantor, its predecessors, assignees, licensees, lessees or contractors, or resulting from blasting, dewatering or the removal of said minerals, whether said past mining or other past operations be in said land or other lands, shall ever accrue to or be asserted by the Grantee herein or by said Grantee's successors in title, or by any person, this deed made expressly subject to all such past or future injuries. It is understood by the Grantee that Grantor cannot determine to any degree of certainty whether or not any past mining or other operations have occurred in said land or lands in the general vicinity of said land.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, forever; SUBJECT, however, to the following: (a) applicable zoning and subdivision regulations; (b) taxes for the current tax year; (c) transmission line permit to Alabama Power Company as recorded in Deed Book 337, Page 267 in said Probate Office; (d) easement to South Central Bell as recorded in Real Record 119, Page 887 in said Probate Office; (e) restrictive covenants as recorded in Real Record 199, Page 196 in said Probate Office; (f) 35-foot building set back line from Turnberry Road as shown on recorded map; and (g) 10-foot utility easement over the East side and 5-foot utility easements over the North and Southwest sides of said lot as shown on recorded map.

Central Bank

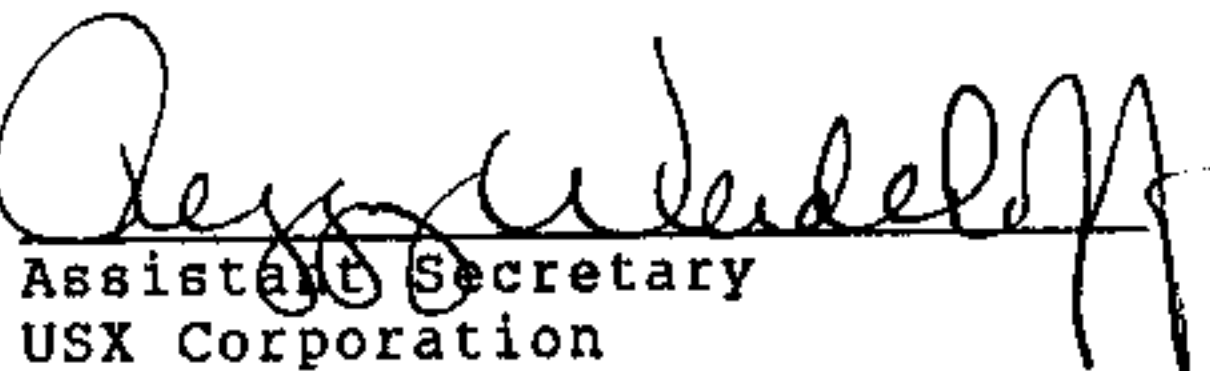
(2)


And the Grantor does for itself and for its successors and assigns covenant with the Grantee, Grantee's successors and assigns, that it is lawfully seized in fee simple of the lands conveyed hereby; that they are free from all encumbrances, except as herein mentioned; that it has a good right to sell and convey the same as aforesaid; and that it will and its successors and assigns shall warrant and defend the same to the Grantee, Grantee's successors and assigns, forever against the lawful claim of all persons.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and behalf and its corporate seal to be hereunto affixed and attested by its officers thereunto duly authorized this, the 2nd day of September, 1988.

ATTEST:

USX CORPORATION

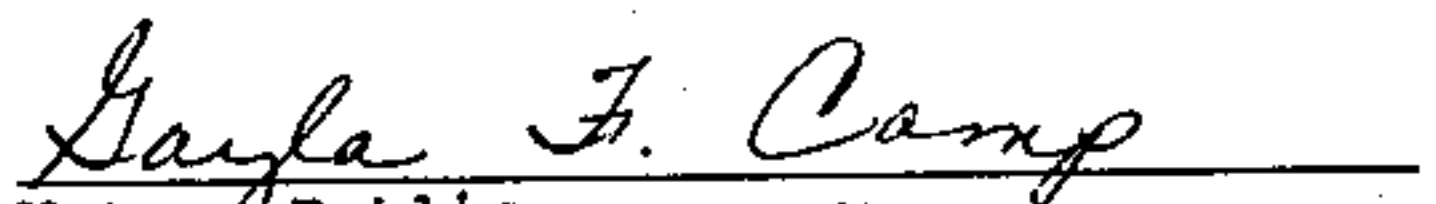

Assistant Secretary
USX Corporation


Regional Manager - Southeast
USR Realty Development, a Division
of U. S. Diversified Group

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Thomas G. Howard, whose name as Regional Manager - Southeast, USR Realty Development, a division of U. S. Diversified Group, USX Corporation, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this, the 2nd day of September, 1988.


Notary Public
GAYLA F. CAMP
Jefferson County, Alabama
My Commission Expires September 16, 1990
My Commission Expires _____

STATE OF ALA. SHELBY C.
I CERTIFY THIS
INSTRUMENT WAS FILED

88 SEP 23 PM 3:06


JUDGE OF PROBATE

1. Deed Tax \$ —
2. Mtg. Tax —
3. Recording Fee 5.00
4. Indexing Fee 1.00
TOTAL 6.00