

2

Send Tax Notices To:

STATE OF ALABAMA )  
SHELBY COUNTY )

Eddleman Properties, Inc.  
510 Bank for Savings Building  
Birmingham, Alabama 35203

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That in consideration of Six Hundred Twenty-Nine Thousand Two Hundred and No/100 Dollars (\$629,200.00) in hand paid by Eddleman Properties, Inc. (the "Grantee"), to the undersigned grantor, AmSouth Bank, N.A., as Ancillary Trustee for NCNB National Bank of North Carolina, as Trustee for the Public Employees Retirement System of Ohio (the "Grantor"), the receipt of which is hereby acknowledged, the said Grantor does by these presents, grant, bargain, sell and convey unto the said Grantee the following described real estate, situated in Shelby County, Alabama, to-wit:

See Exhibit A attached hereto and incorporated herein by reference for a description of said real estate.

Subject to all those permitted encumbrances which are more particularly described in Exhibit B attached hereto and incorporated herein by reference.

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

IN WITNESS WHEREOF, the said Grantor, who is authorized to execute this conveyance, hereto sets its signature and seal this the 30th day of December, 1988.

AMSOUTH BANK, N.A., as Ancillary Trustee for NCNB National Bank of North Carolina, as Trustee for the Public Employees Retirement System of Ohio

By: [Signature]  
Its: Vice President and Trust Officer

*Wahiba Little*

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John A. Bostwick, whose name as Vice President and Trust Officer of AMSOUTH BANK, N.A., a national association, as Ancillary Trustee for NCNB National Bank of North Carolina, as Trustee for the Public Employees Retirement System of Ohio, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said association acting in its capacity as Ancillary Trustee as aforesaid on the day the same bears date.

Given under my hand and official seal of office this 30<sup>th</sup> day of December, 1988.

Frank C. Halloway Jr  
NOTARY PUBLIC

[NOTARIAL SEAL]

My Commission expires:

October 23, 1990

DRAWN BY AND ~~MADE~~ FOR:

Jefferson W. Brown  
Kennedy Covington Lobdell & Hickman  
3300 NCNB Plaza  
Charlotte, North Carolina 28280

EXHIBIT A

Legal Description

Being that certain tract or parcel of land situated in Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, and part of Lots 23 through 32 inclusive Jessica Ingram Property as recorded in Map Book 3, Page 54, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of said Section 31 and run thence South 0° 08' 50" West along the East line of said Section 31 for a distance 592.07 feet to the point of beginning, said point of beginning being on the Southwest right of way of Brook Highland Parkway as recorded in Map Book 12, pages 71 and 72, in the Office of the Judge of Probate, Shelby County, Alabama; thence continue along last stated course for a distance of 231.63 feet to an iron pin found at the Southeast corner of said Lot 23; thence run North 89° 12' 47" West along the South line of said Lot 23 and also along the South line of said Lot 24 for a distance of 2,427.79 feet to a point on the Southeast right of way of said Brook Highland Parkway, said point being on a curve which is concave to the Southeast having a radial bearing in of South 37° 25' 02" East and a central angle of 4° 57' 25" and a radius of 701.94 feet; thence run in a Northeasterly direction along the arc of said curve and also along said right of way for a distance of 60.73 feet to a point; thence run North 57° 32' 23" East along said right of way for a distance of 1,193.12 feet to a point on a curve to the right having a central angle of 63° 16' 40" and a radius of 510.96 feet; thence run in a Northeasterly to Southeasterly direction along the arc of said curve and also along said right of way for a distance of 564.31 feet to a point; thence run South 59° 10' 57" East along said right of way for a distance of 306.35 feet to a point; thence run North 30° 49' 03" East along said right of way for a distance of 12.00 feet to a point; thence run South 59° 10' 57" East along said right of way for a distance of 659.56 feet to the point of beginning. Said parcel containing 26.36 acres, more or less.

Less and except a thirty-foot road right of way being more particularly described as follows:

Commence at the Northeast corner of said Section 31 and run thence South 0° 08' 50" West along the East line of said Section 31 for a distance of 823.70 feet to an iron pin found at the Southeast corner of said Lot 23; thence run North 89° 12' 47" West along the South line of said Lot 23 for a distance of 1,364.62 feet to the point of beginning, said point being on the East line of said thirty-foot road right of way; thence run North 4° 58' 34" East along said road right of way for a distance of 330.11 feet to a point; thence run North 0° 13' 09" West along said road right of way for a distance of 380.58 feet to a point on the Southeast right of way of Brook Highland Parkway as recorded in Map Book 12, on pages 71 and 72, in the Office of the Judge of Probate, Shelby County, Alabama, said point being on a curve which is concave to the Southeast having a radial bearing in of South 28° 04' 30" East and a radius of 510.96 feet and a central angle of 3° 52' 36"; thence run in a Southwesterly direction along the arc of said curve and also along said right of way for a distance of 34.57 feet to a point, said point being on the West line of said thirty-foot road right of way; thence run South 0° 13' 09" East along said road

right of way for a distance of 363.56 feet to a point; thence run South 5° 04' 31" West along said road right of way for a distance of 329.47 feet to a point; thence run South 89° 12' 47" East for a distance of 30.51 feet to the point of beginning. Said less and except parcel containing .48 acres, more or less.

Total property to be acquired 25.88 acres, more or less.

Being a portion of that property conveyed to Amsouth Bank, N.A., as Ancillary Trustee for NCNB, National Bank of North Carolina, as Trustee for the Public Employees Retirement System of Ohio by that certain deed dated December 31, 1986, recorded in Book 107, Page 989 in the Office of the Judge of Probate of Shelby County, Alabama.

BOOK 220 PAGE 88

EXHIBIT B

PERMITTED EXCEPTIONS

1. Ad valorem property taxes for the current year and subsequent years, which are not yet due and payable.
2. Those certain restrictions, covenants and conditions as shown by instrument recorded in Real 194, Page 54 in the Office of the Judge of Probate of Shelby County, Alabama.
3. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including without limitation rights set out in Deed Book 327, Page 553 and Deed Book 32, Page 183 in the Office of the Judge of Probate of Shelby County, Alabama.
4. That certain drainage easement as set out in Real 125, Page 238 in the Office of the Judge of Probate of Shelby County, Alabama.

BOOK 220 PAGE 89

STATE OF ALABAMA  
I CERTIFY THIS  
INSTRUMENT WAS FILED

88 DEC 30 PM 5:00

*Thomas W. Henderson*  
JUDGE OF PROBATE

1. Deed Tax	\$ <u>629.50</u>
2. Mtg. Tax	_____
3. Recording Fee	<u>12.50</u>
4. Indexing Fee	<u>1.00</u>
TOTAL	<u>643.00</u>