

STATE OF ALABAMA       )  
                              :  
COUNTY OF SHELBY       )

DEED AND BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of ten dollars paid by The Water Works and Sewer Board of the City of Birmingham, a public corporation, (the "Board") to AmSouth Bank N.A., as Ancillary Trustee for NationsBank of North Carolina, N.A., as Trustee for the Public Employees Retirement System of Ohio ("AmSouth/NationsBank") and other good and valuable consideration, AmSouth/NationsBank does by these presents grant, bargain, sell, assign, transfer and convey to the Board and its successors and assigns, all right, title and interest in and to all of the sanitary sewer trunklines, pipelines, force mains, gravity flow mains, sewer laterals, lift stations, pumping stations and related appurtenances, appliances, fixtures and equipment (the "Property") which are now located on or under the surface of that certain real property situated in Shelby County, Alabama which is described on Exhibit A attached hereto and incorporated herein by this reference.

AmSouth/NationsBank does, for itself and its successors and assigns, hereby covenant with the Board and its successors and assigns that it is lawfully seized in fee simple and/or has good and marketable title in and to the Property; that the Property is free from all encumbrances; that it has a good right to sell, assign, transfer and convey the Property as aforesaid; and that AmSouth/NationsBank and its successors and assigns shall warrant and defend the same to the Board, and its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, AmSouth Bank, N.A., as Ancillary Trustee for NationsBank of North Carolina, N.A., as Trustee for the Public Employees Retirement System of Ohio has caused this instrument to be duly executed on this 18<sup>th</sup> day of June, 1993.

AmSouth Bank, N.A., as Ancillary  
Trustee for NationsBank of North  
Carolina, N.A., as Trustee for the  
Public Employees Retirement System  
of Ohio

ATTEST:

Linda S. Leke  
Its: Asst Vice President  
and Vice President

By: W. B. Baker, Jr.  
Its: Vice President & Trust Officer

Inst # 1993-18022

91681.1

06/21/1993-18022  
11:43 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00

Burr, Fournan

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County in said State hereby certify that W. Boker Cren IV whose name as Vice President of Trust Co. of AmSouth Bank, N.A., a national banking association, as Ancillary Trustee for NationsBank of North Carolina, N.A., as Trustee for the Public Employees Retirement System of Ohio, is signed to the foregoing Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Easement, 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 Ancillary Trustee as aforesaid.

Given under my hand and official seal this the 18<sup>th</sup> day of June, 1993.

Debra M. Montgomery  
Notary Public

AFFIX SEAL

My commission expires: 2/94

This instrument prepared by:  
Jack P. Stephenson, Esq.  
Burr & Forman  
SouthTrust Tower  
420 North 20th Street, Suite 3000  
Birmingham, Alabama 35203

EXHIBIT A

**K.B. WEYGAND & ASSOCIATES, P.C.**

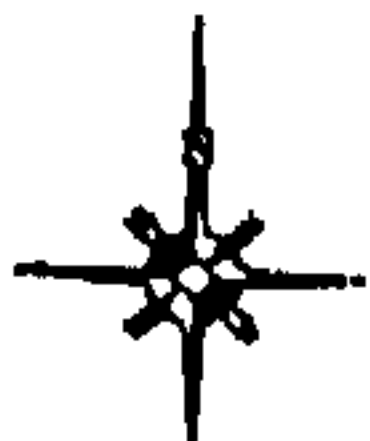
*Civil Engineers and Land Surveyors*

(205) 991-8965

FAX (205) 991-6032

A parcel of land to be known as Brook Highland 9th Sector situated in the Northwest Quarter of Section 29, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at an iron pin found and locally accepted to be the Northeast corner of said Quarter Section; thence run South 89 degrees 40 minutes 52 seconds West along the North line of said Quarter Section for a distance of 1,447.63 feet to an iron pin set; thence turn an angle to the left of 61 degrees 06 minutes 05 seconds and run South 28 degrees 34 minutes 47 seconds West for a distance of 184.62 feet to an iron pin set; thence turn an angle to the left of 79 degrees 37 minutes 36 seconds and run South 51 degrees 02 minutes 49 seconds East for a distance of 230.99 feet to an iron pin set, said iron being on a curve to the left having a central angle of 6 degrees 39 minutes 28 seconds and a radius of 245.00 feet; thence turn an angle to the right of 0 degrees 00 minutes 00 seconds to the radius of said curve and run in a Southwesterly direction along the arc of said curve for a distance of 28.47 feet to an iron pin set; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds from the tangent of last stated curve and run South 57 degrees 42 minutes 17 seconds East for a distance of 138.25 feet to an iron pin set; thence turn an angle to the left of 24 degrees 16 minutes 18 seconds and run South 81 degrees 58 minutes 36 seconds East for a distance of 107.28 feet to an iron pin set; thence turn an angle to the right of 24 degrees 49 minutes 43 seconds and run South 57 degrees 08 minutes 53 seconds East for a distance of 221.68 feet to an iron pin set; thence turn an angle to the left of 36 degrees 34 minutes 17 seconds and run North 86 degrees 16 minutes 50 seconds East for a distance of 185.44 feet to an iron pin set; thence turn an angle to the right of 43 degrees 55 minutes 55 seconds and run South 49 degrees 47 minutes 16 seconds East for a distance of 77.87 feet to an iron pin set; thence turn an angle to the right of 5 degrees 18 minutes 20 seconds and run South 44 degrees 28 minutes 56 seconds East for a distance of 98.90 feet to an iron pin set; thence turn an angle to the right of 57 degrees 38 minutes 39 seconds and run South 13 degrees 09 minutes 43 seconds West for a distance of 183.08 feet to an iron pin set; thence turn an angle to the right of 41 degrees 33 minutes 16 seconds and run South 54 degrees 42 minutes 59 seconds West for a distance of 507.61 feet to an iron pin set; thence turn an angle to the left of 91 degrees 08 minutes 31 seconds and run South 36 degrees 25 minutes 33 seconds East for a distance of 160.82 feet to an iron pin set on a curve to the right having a central angle of 1 degree 08 minutes 31 seconds and a radius of 1,299.41 feet; thence turn an angle to the right of 0 degrees 00 minutes 00 seconds to the radius of said curve and run in a Northeasterly direction along the arc of said curve for a distance of 25.90 feet to an iron pin set; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds from the tangent of last stated curve and run South 35 degrees 17 minutes 01 seconds East for a distance of 225.24 feet to an iron pin set; thence turn an angle to the left of 87 degrees 31 minutes 12 seconds and run North 57 degrees 11 minutes 47 seconds East for a distance of 172.12 feet to an iron pin set; thence turn an angle to the right



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P.O. BOX 380065 • BIRMINGHAM, ALABAMA 35238-0065

of 16 degrees 55 minutes 52 seconds and run North 74 degrees 07 minutes 40 seconds East for a distance of 55.09 feet to an iron pin set; thence turn an angle to the right of 34 degrees 15 minutes 11 seconds and run South 71 degrees 37 minutes 09 seconds East for a distance of 86.77 feet to an iron pin set; thence turn an angle to the left of 65 degrees 03 minutes 47 seconds and run North 43 degrees 19 minutes 04 seconds East for a distance of 348.44 feet to an iron pin set; thence turn an angle to the left of 19 degrees 48 minutes 06 seconds and run North 23 degrees 30 minutes 58 seconds East for a distance of 849.59 feet to an iron pin set on the East line of said Quarter Section; thence turn an angle to the left of 23 degrees 18 minutes 26 seconds and run North 0 degrees 12 minutes 32 seconds East along the East line of said Quarter Section for a distance of 312.52 feet to the point of beginning. Said parcel to be known as Brook Highland 9th Sector contains 26.74 acres, more or less.

  
Kenneth B. Weygand, Reg. Engr.-L.S.#11768

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