

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 23 day of Sept., 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. Lube
Its: Asst Vice President
and Trust Officer

By: W. Parker Crow Jr
Its: Vice President & Trust Officer

Inst # 1993-29504

136989.2

Eddleman Properties, Inc
2700 Hwy 280, East
Suite 325
B'ham AL 35223

09/24/1993-29504
10:56 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 17.00

Inst # 1993-29504

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that W. Baker Crow IV whose name as V. P. & T. O 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 Deed and Bill of Sale, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Deed and Bill of Sale, 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 23rd day of Sept, 1993.

Carolyn A. Garrison
Notary Public

AFFIX SEAL

My commission expires: 3/4/94

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

EXHIBIT A

A parcel of land to be known as Brook Highland 10th Sector situated in Sections 30 and 31, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Southeast corner of Lot 2034, Brook Highland, An Eddleman Community, 20th Sector as recorded in Map Book 16, page 148, in the Office of the Judge of Probate, Shelby County, Alabama, thence run South 86 degrees 01 minutes 34 seconds West along the South line of said Lot 2034 for a distance of 171.05 feet to the Southwest corner of said Lot 2034; thence run South 1 degree 14 minutes 00 seconds East for a distance of 185.65 feet to a point; thence run South 8 degrees 38 minutes 12 seconds East for a distance of 176.77 feet to a point; thence run South 23 degrees 02 minutes 07 seconds East for a distance of 135.49 feet to a point; thence run South 17 degrees 46 minutes 44 seconds East for a distance of 223.10 feet to a point; thence run South 31 degrees 15 minutes 57 seconds East for a distance of 55.67 feet to a point; thence run South 42 degrees 10 minutes 41 seconds West for a distance of 192.69 feet to a point; thence run South 9 degrees 10 minutes 42 seconds East for a distance of 87.38 feet to a point; thence run South 33 degrees 04 minutes 09 seconds West for a distance of 244.13 feet to a point; thence run South 32 degrees 27 minutes 37 seconds East for a distance of 150.00 feet to a point; thence run South 32 degrees 27 minutes 37 seconds East for a distance of 60.00 feet to a point; thence run South 57 degrees 32 minutes 23 seconds West for a distance of 10.00 feet to a point; thence run South 40 degrees 43 minutes 35 seconds East for a distance of 273.79 feet to a point; thence run South 32 degrees 26 minutes 50 seconds East for a distance of 245.00 feet to a point on the Northwest right-of-way of Brook Highland Parkway as recorded in Map Book 12, page 72 in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 57 degrees 32 minutes 23 seconds East along said Northwest right-of-way for a distance of 180.00 feet to a point on a curve to the right having a central angle of 43 degrees 05 minutes 22 seconds and a radius of 622.96 feet; thence run in a Northeasterly direction along the arc of said curve and also along said Northwest right-of-way for a distance of 468.50 feet to a point on a reverse curve to the left having a central angle of 82 degrees 57 minutes 44 seconds and a radius of 30.00 feet; thence run in a Northeasterly direction along the arc of said curve and also along said Northwest right-of-way for a distance of 43.44 feet to a point on the West right-of-way of Brook Highland Drive as recorded in Map Book 12, Page 73, in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 17 degrees 40 minutes 00 seconds East along said West right-of-way for a distance of 361.52 feet to a point; thence run South 72 degrees 20 minutes 00 seconds East along said West right-of-way for a distance of 20.00 feet to a point on a curve to the left having a central angle of 61 degrees 14 minutes 45 seconds and a radius of 365.14 feet; thence run in a Northwesterly direction along the arc of said curve and also along said West right-of-way for a distance of 390.32 feet to a point; thence run North 43 degrees 34 minutes 45 seconds West along said West right-of-way for a distance of 445.22 feet to a point on a curve to the right having a central

angle of 33 degrees 34 minutes 40 seconds and a radius of 507.47 feet; thence run in a Northwesterly direction along the arc of said curve and also along said West right-of-way for a distance of 297.40 feet to a point; thence run North 10 degrees 00 minutes 05 seconds West along said West right-of-way for a distance of 286.46 feet to a point on a curve to the left having a central angle of 23 degrees 16 minutes 56 seconds and a radius of 447.46 feet; thence run in a Northwesterly direction along the arc of said curve and also along said West right-of-way for a distance of 181.83 feet to a point; thence run North 33 degrees 17 minutes 02 seconds West along said West right-of-way for a distance of 38.57 feet to the Southeast corner of Lot 2036 in said Brook Highland, An Eddleman Community, 20th Sector; thence run South 56 degrees 42 minutes 58 seconds West along the Southeast line of Lots 2036 and 2035 in said Brook Highland, An Eddleman Community, 20th Sector for a distance of 334.56 feet to the point of beginning. Said Brook Highland 10th Sector containing 31.305 acres, more or less.

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