

STATE OF ALABAMA       )  
                              :  
COUNTY OF SHELBY       )

DEED AND BILL OF SALE

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of ten dollars and other good and valuable consideration 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"), 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 have 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 16<sup>th</sup> day of March, 1994.

ATTEST:

Linda S. Lehe  
Its: Asst Vice President  
and Trust Officer

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

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

Inst # 1994-09071

169911.2

03/21/1994-09071  
11:02 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 14.50

Inst # 1994-09071

STATE OF ALABAMA )

JEFFERSON COUNTY )

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 & Trust Officer~~ 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 16<sup>th</sup> day of March, 1994.

Wickup B. Hovien  
Notary Public

AFFIX SEAL

My commission expires: 12/1/98

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 21st Sector situated in Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 30, run thence on a bearing of North 89 degrees 38 minutes 07 seconds West for a distance of 124.88 feet to the point of beginning of the parcel herein described; thence run South 49 degrees 17 minutes 39 seconds East for a distance of 171.76 feet to a point; thence run South 11 degrees 32 minutes 30 seconds West for a distance of 389.86 feet to a point; thence run South 28 degrees 53 minutes 28 seconds West for a distance of 169.54 feet to a point; thence run South 33 degrees 32 minutes 30 seconds West for a distance of 205.00 feet to a point; thence run South 31 degrees 37 minutes 33 seconds West for a distance of 399.46 feet to a point; thence run South 7 degrees 39 minutes 27 seconds West for a distance of 401.74 feet to a point; thence run South 26 degrees 11 minutes 28 seconds West for a distance of 173.91 feet to the Northeast corner of Lot 2019, Brook Highland 20th Sector as recorded in Map Book 16, Page 148, in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 60 degrees 27 minutes 30 seconds West along the Northeast line of said Lot 2019 for a distance of 200.00 feet to the Northwest corner of said Lot 2019; thence run South 29 degrees 32 minutes 30 seconds West along the West line of said Lot 2019 for a distance of 56.61 feet to a point; thence run North 60 degrees 27 minutes 30 seconds West for a distance of 60.00 feet crossing the right-of-way line of Brook Highland Ridge to the Northeast corner of Lot 2020 of said Brook Highland 20th Sector; thence continuing along last stated course and also along the North line of Lot 2020 for a distance of 200.00 feet to the Northwest corner of said Lot 2020; thence run North 29 degrees 32 minutes 30 seconds East for a distance of 112.26 feet to a point; thence run North 3 degrees 36 minutes 29 seconds East for a distance of 256.00 feet to a point; thence run North 15 degrees 26 minutes 46 seconds East for a distance of 170.55 feet to a point; thence North 26 degrees 11 minutes 50 seconds East for a distance of 293.77 feet to a point; thence run North 33 degrees 32 minutes 30 seconds East for a distance of 519.65 feet to a point; thence run North 10 degrees 43 minutes 03 seconds East for a distance of 267.35 feet to a point; thence run South 74 degrees 24 minutes 30 seconds East for a distance of 201.43 feet to the beginning of a curve to the right having a central angle of 22 degrees 53 minutes 01 seconds and a radius of 305.00 feet and a chord bearing of North 27 degrees 02 minutes 01 seconds East; thence run along the arc of said curve in a Northeasterly direction for a distance of 121.82 feet to the end of said curve; thence turn an angle to the right of 63 degrees 19 minutes 52 seconds from the chord of last stated curve and run South 89 degrees 38 minutes 07 seconds East for a distance of 78.46 to the point of beginning. Said parcel contains 18.287 acres, more or less.

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