

*James L. Fletcher*

This instrument prepared by:  
Parkey D. Jordan  
Burr & Forman  
420 North 20th Street  
Suite 3000  
Birmingham, Alabama 35203

Send Tax Notice To:  
The Water Works and Sewer Board  
of the City of Birmingham  
3600 First Avenue North  
P.O. Box 830110 35283  
Birmingham, Alabama ~~35223~~-0110

STATE OF ALABAMA )  
COUNTY OF SHELBY )

**STATUTORY WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to the undersigned Grantor in hand paid by the Grantee herein, the receipt and sufficiency of which are hereby acknowledged, **HIGHLAND LAKES PROPERTIES, LTD.**, an Alabama limited partnership (herein referred to as "Grantor"), does hereby grant, bargain, sell and convey unto **THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGHAM**, an Alabama public corporation (herein referred to as the "Grantee"), all Grantor's right, title and interest in and to that certain real property situated in Shelby County, Alabama, being more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property").

This conveyance is made subject to those easements, encumbrances and restrictions set forth on Exhibit B attached hereto.

Grantee shall not use the Property for any purpose other than installation and maintenance of a water tank and other related appurtenances and facilities reasonably necessary for distribution of water. Grantee shall not enter into any leases or agreements, whether oral or written, which allow or purport to allow any third party to utilize the Property in any manner whatsoever.

Grantee shall maintain a rectangular natural buffer (the "Buffer") over and across the eastern end of the Property as herein described. The Buffer shall extend from Highland View Drive at the eastern end of the Property to a line across the Property extending from a point on the southern boundary of the thereof lying 285.00 feet from the southeastern corner of the Property to a point on the northern boundary line thereof lying 170.00 feet from the northeastern corner of the Property. The Buffer shall remain in its natural state, and Grantee shall not remove any trees or plants in the Buffer, except that Grantee shall plant trees and/or grass and maintain a border a minimum of twenty (20) feet in width along Highland View Drive at the eastern boundary of the Property. Such border shall be kept in a neat and orderly condition at all times.

Grantee shall not construct or cause to be constructed any structures fences, roads or other improvements in the Buffer, except that the Grantee shall be permitted to build one (1) hard

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surface road (the "Road") no greater than fifteen (15) feet in width over and across the natural buffer area between Highland View Drive at the eastern boundary line of the Property and the water tank to be constructed by Grantee on the Property. Said Road may be secured at the eastern end thereof by a wrought iron gate, but no other type of gate or fencing shall be permitted on the Buffer Property.

The covenants and restrictions set forth herein shall run with the land and shall be binding upon the Grantee and its successors and assigns.

TO HAVE AND TO HOLD unto the Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this conveyance to be duly executed as of this 11 day of APRIL, 1994.

GRANTOR:

HIGHLAND LAKES PROPERTIES, INC., an Alabama limited partnership

By: EDDLEMAN PROPERTIES, INC., its general partner

By: Billy D. Eddleman  
Its: CHAIRMAN/CEO

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that Billy D. Eddleman, whose name as Chairman/CEO of Eddleman Properties, Inc., acting in its capacity as General Partner of Highland Lakes Properties, Ltd., an Alabama limited partnership, 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 above and foregoing conveyance, he executed the same voluntarily for and as the act of said corporation acting in its capacity as general partner of said limited partnership.

Given under my hand and official seal of office this 11th day of April, 1994.

Parker D. Anderson  
Notary Public  
My Commission Expires: 2/7/97



EXHIBIT A  
LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 709.50 FEET; THENCE DEFLECTING 59 DEGREES 45 MINUTES LEFT, RUN SOUTHWESTERLY A DISTANCE OF 129.0 FEET; THENCE DEFLECTING 8 DEGREES 00 MINUTES, 00 SECONDS LEFT, RUN SOUTHWESTERLY A DISTANCE OF 311.30 FEET; THENCE DEFLECTING 13 DEGREES 04 MINUTES, 59 SECONDS RIGHT, RUN SOUTHWESTERLY A DISTANCE OF 192.19 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING 81 DEGREES 06 MINUTES 48 SECONDS RIGHT, RUN NORTHWESTERLY A DISTANCE OF 340.39 FEET; THENCE DEFLECTING 115 DEGREES 44 MINUTES 52 SECONDS LEFT, RUN SOUTHERLY A DISTANCE OF 166.53 FEET; THENCE DEFLECTING 64 DEGREES 14 MINUTES 21 SECONDS LEFT, RUN SOUTHEASTERLY A DISTANCE OF 285.22 FEET; THENCE DEFLECTING 0 DEGREES 01 MINUTES 27 SECONDS LEFT, RUN SOUTHEASTERLY A DISTANCE OF 322.61 FEET TO AN INTERSECTION WITH THE ARC OF A CURVE TO THE LEFT; THENCE DEFLECTING 119 DEGREES 14 MINUTES 53 SECONDS LEFT TO THE CHORD OF SAID CURVE, HAVING A CENTRAL ANGLE OF 5 DEGREES 22 MINUTES 41 SECONDS, A RADIUS OF 508.15 FEET, RUN NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 47.70 FEET TO A POINT OF TANGENCY; THENCE RUN NORTHERLY ALONG SAID TANGENT, A DISTANCE OF 23.47 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 12 DEGREES 39 MINUTES 39 SECONDS, A RADIUS OF 445.00 FEET, A DISTANCE OF 98.33 FEET; THENCE DEFLECTING 64 DEGREES 22 MINUTES 57 SECONDS LEFT, FROM THE CHORD OF SAID CURVE, RUN NORTHWESTERLY 261.63 FEET TO THE POINT OF BEGINNING.

SUBJECT to gravel road crossing property as shown on survey by Narve Butler dated February 28, 1994.

All being situated in Shelby County, Alabama.

**EXHIBIT B  
ENCUMBRANCES**

1. General and special taxes or assessments for 1994 and subsequent years not yet due and payable.

2. Any loss, claim, damage or expense, including additional tax due, if any, due to the fact that ad valorem taxes for the Property have been paid under a current use assessment.

3. Right(s)-of-way granted to Alabama Power Company by instrument(s) recorded in Book 111, page 408, in the Probate Office of Shelby County.

4. Right(s)-of-way granted to Alabama Power Company by instrument(s) recorded in Book 276, page 670, in the Probate Office of Shelby County.

5. Gravel road lying within the Property as shown on survey of Narve Butler dated February 28, 1994.

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