

SEND TAX NOTICES TO:  
Windy Oaks Partnership  
Attn: Reed Long  
P. O. Box 9  
Pelham, AL 35124

WARRANTY DEED

STATE OF ALABAMA  
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Sixty-three Thousand and 00/100 Dollars (\$63,000.00) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, ARTHUR K. LOWEN, TRUSTEE (hereinafter referred to as "Trustee") and GABE J. TOLAN, a married man, (hereinafter referred to as "Beneficiary") (Trustee and Beneficiary, hereby jointly, severally, and collectively referred to as "Grantor"), hereby grants, bargains, sells, and conveys unto WINDY OAKS (an Alabama Partnership) (herein referred to as "Grantee"), the real estate described in Exhibit "A" attached hereto and incorporated herein by this reference, and which is situated in Shelby County, Alabama.

The property being conveyed herein is not the homestead of Grantor, nor of Grantor's spouse.

TO HAVE AND TO HOLD the described premises to Grantee, its successors and assigns forever.

AND THE BENEFICIARY does for himself, and his heirs, executors, successors and assigns, covenant with said Grantee, its successors and assigns, that Grantor is lawfully seized in fee simple of the premises, that they are free from all encumbrances, unless otherwise noted on Exhibit "A" attached hereto, that Grantor has good right to sell and convey the same as aforesaid, and that Beneficiary will and his heirs, executors, successors and assigns shall warrant and defend same to said Grantee, its successors and assigns forever, against the lawful claims of all persons.

PROVIDED HOWEVER Trustee enters into this Deed as Trustee only, and specifically disclaims any and all express and implied warranties with respect to the property, and any and all representations regarding the Property. Beneficiary warrants that the Trustee, presently has, and will convey, good and marketable title to the property to Grantee subject only to (i) zoning ordinances affecting said property, and (ii) those items shown on Exhibit "A" attached hereto.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the 12th day of May, 1994.

  
Arthur K. Lowen, Trustee

  
Gabe J. Tolan

\* 1994-16894

05/25/1994-16894  
12:09 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 79.00

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Inst # 1994-16894

1994-16894

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Arthur K. Lowen, whose name as Trustee, 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 said instrument, he, as such trustee, and with full authority, executed the same voluntarily, as an act of said trust, acting in his capacity as aforesaid.

Given under my hand and official seal, this the 12<sup>th</sup> day of May, 1994.

  
Notary Public

My Commission Expires:

7/24/96

THIS INSTRUMENT PREPARED BY:  
Arthur K. Lowen  
Attorney at Law  
201 4th Avenue North, #1830  
Nashville, TN 37219  
615-244-7373

AFTER RECORDATION, RETURN TO:  
James Odom  
Attorney at Law  
211-B Yeager Parkway  
Pelham, AL 35124

EXHIBIT A

PARCEL #1:

Part of Lot 4, Block B of Nickerson's Addition to the Town of Alabaster, as recorded in Map Book 3, Pages 61 and 69, in the Shelby County Probate Office, more particularly described as follows:

Begin at the Southeast corner of the North-half of the South-half of the Southwest quarter of Section 1, Township 21 South, Range 3 West; thence north along the East line of said half-half-quarter section 667.00 feet; thence left 88 degrees 00 minutes in a Westerly direction 959 feet, more or less, to the North right of way of Interstate I-65, said point being the point of beginning; thence continue West along the North boundary of said Lot 4, 365 feet, more or less, to a 30.00 foot right of way as shown on said Nickerson's Addition Map; thence South along said 30.00 foot right of way, which is also along the West boundary of said Lot 4 for 10 feet, more or less, to intersection with said North right of way of I-65; (the next 3 courses are along said North right of way of I-65); thence Southeasterly 120 feet, more or less, thence Easterly 175 feet, more or less, thence Northeasterly 118 feet, more or less, to the point of beginning. Situated in Shelby County, Alabama.

Being part of the same property conveyed to Arthur K. Lowen, Trustee, by Quitclaim Deed from Gabe J. Tolan and wife, Beverly F. Tolan, of record in Book 126, Page 52, Probate Office of Shelby County, Alabama.

TOGETHER WITH

The South 15 feet of that part of 10th Avenue S.E., lying between lots 4 and 5, Block B, Nickerson's Addition to Alabaster, as recorded in Map Book 3, page 69, in the Probate Office of Shelby County, Alabama.

Being the same property conveyed to Arthur K. Lowen, Trustee, by Order of the Probate Court for Shelby County, Alabama, dated March 4, 1994, in Case No. 32-199, said Order having been recorded as Instrument No. 1994-10650 in the Probate Office for Shelby County, Alabama.

PARCEL #2:

All that part of Lots 22, 23, and 24, Block A, Nickerson's Addition to the Town of Alabaster, as recorded in Map Book 3, Page 61 and/or 69, in the Probate office of Shelby County, Alabama, lying Northeast of Highway 31. LESS AND EXCEPT the following described property: Beginning at the Southeast corner of said Lot 24; thence run westerly along the South line of said Lot 24 for 41.12 feet to a point on the northerly right of way line of Interstate Highway No. 65; thence to the right with an interior angle of 154 degrees 43' 30" and run northwesterly along said northerly right of way line of Interstate Highway No. 65 for 116.82 feet to a point on the northeasterly right of way line of U.S. Highway No. 31; thence to the right with an interior angle of 161 degrees 50' 30" and continue northwesterly along the said northeasterly right of way line of U. S. Highway No. 31 for 42.00 feet; thence to the right with an interior angle of 90 degrees 00' 00" and run northeasterly for 244.80 feet to a point on the East line of said Lot 24; thence to the right with an interior angle of 45 degrees 26' 00" and run southerly along said East line of Lot 24 for 256.68 feet to the point of beginning.

Being part of the same property conveyed to Arthur K. Lowen, Trustee, by Quitclaim Deed from Gabe J. Tolan and wife, Beverly F. Tolan, of record in Book 126, Page 52, Probate Office of Shelby County, Alabama.

EXHIBIT 'A (continued)

SUBJECT TO:

1. Ad Valorem taxes for the year 1994 and subsequent years, which are not yet due and payable.
2. Title to all minerals within and underlying the premises, which are not owned by Grantor, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights.
3. Right of way granted to Alabama Power Company by instrument(s) recorded in Deed Book 60, Page 66; Deed Book 48, Page 617; Deed Book 130, Page 139; Deed Book 210, Page 111; Deed Book 213, Page 285 and 289; Deed Book 179, Page 359; Misc. Book 48, Page 617; Misc. Book 60, Page 66; and Deed Book 181, Page 424.
4. Easements as described or referred to in Real Volume 75, Page 381.
5. Right of Way to Plantation Pipe Line as shown by instrument recorded in Deed Book 252, Page 485.
6. Right of way to State of Alabama, recorded in Deed Book 204, Page 56.

[All recording references, unless otherwise indicated, are to the records of the Judge of Probate of Shelby County, Alabama.]

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