

This instrument was prepared by:  
Clayton T. Sweeney, Esquire  
2700 Highway 280 East  
Suite 290E  
Birmingham, AL 35223

Send Tax Notice to:  
Eddleman Properties, Inc.  
2700 Highway 280 East  
Suite 325  
Birmingham, Alabama 35223

**STATUTORY WARRANTY DEED**

STATE OF ALABAMA       )  
COUNTY OF SHELBY     )

52,500<sup>00</sup>

KNOW ALL MEN BY THESE PRESENTS, that in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, paid to the undersigned grantor, **AMSOUTH BANK, N.A., a national association, as ANCILLARY TRUSTEE for NATIONSBANK of NORTH CAROLINA, N.A., a national association, as TRUSTEE for the PUBLIC EMPLOYEES RETIREMENT SYSTEM of OHIO**, in hand paid by Grantee named herein, the receipt of which is hereby acknowledged, the said **AMSOUTH BANK, N.A., a national banking association, as ANCILLARY TRUSTEE for NATIONSBANK of NORTH CAROLINA, N.A., a national banking association, as TRUSTEE for the PUBLIC EMPLOYEES RETIREMENT SYSTEM of OHIO** (hereinafter referred to as "Grantor") does by these presents, grant, bargain, sell and convey unto **EDDLEMAN PROPERTIES, INC., an Alabama Corporation** (hereinafter referred to as "Grantee"), the following described real estate (the "property"), situated in Shelby County, Alabama, to-wit:

Lot 1039, according to the survey of Brook Highland, an Eddleman Community, 10th Sector, Second Phase, as recorded in Map Book 18, Page 36 A & B, in the Probate Office of Shelby County, Alabama.

Mineral and mining rights excepted.

The above property is conveyed subject to:

(i) All valid and enforceable easements, covenants, conditions and restrictions of record, including, without limitation, that certain Declaration of Protective Covenants recorded in Book 194 at Page 254, in the Office of the Judge of Probate of Shelby County, Alabama, as amended by that certain Supplementary Declaration of Protective Covenants of Brook Highland, 10th Sector, as recorded in Instrument NO.1994-06901 the Office of the Judge of Probate of Shelby County, Alabama, (ii) the lien of ad valorem and similar taxes (but not including "rollback" taxes) for 1994 and subsequent years, and (iii) all matters that would be revealed by a current and accurate physical survey of the subject property.

By its acceptance of this deed, Grantee hereby covenants and agrees for itself and its successors, assigns, licensees, lessees, employees and agents that Grantor shall not be liable for, and no action shall be asserted against Grantor for, loss or damage on account of injuries to the Property or to any buildings, improvements, or structures now or hereafter located upon the Property, or on account of injuries to any owner, occupant, or other person in or upon the Property, which are caused by, or arise as a result of, past or future soil and/or subsurface conditions, known or unknown, (including, without limitation, sinkholes, underground mines, and limestone formations) under or on the Property or any other property now or hereafter owned by Grantor, whether contiguous or non-contiguous to the Property. For purposes of this paragraph the term Grantor shall mean and refer to (i) the partners, agents, and employees of Grantor; (ii) the officers, directors, employees and agents of Grantor or trustees thereof; (iii) any successors or assigns of Grantor; and (iv) any successors and assigns of Grantor's interest in the Property. This covenant and agreement shall run with the land conveyed hereby as against Grantee, and all persons, firms, trusts, partnerships, limited partnerships, corporations, or other entities holding under or

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SHELBY COUNTY JUDGE OF PROBATE  
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through the Grantee.


**TO HAVE AND TO HOLD** to the said Grantee, its successors and assigns forever.

**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 statutory warranty deed to be executed by its duly authorized officer this 16<sup>th</sup> day of June, 1994.

GRANTOR:

**AMSOUTH BANK, N.A. as TRUSTEE for  
NATIONSBANK of NORTH CAROLINA, N.A.,  
as TRUSTEE for the PUBLIC EMPLOYEES  
RETIREMENT SYSTEM of OHIO**

BY:

  
**John A. Bostwick**  
ITS: **Vice-President and  
Trust Officer**

**STATE OF ALABAMA     )  
COUNTY OF JEFFERSON )**

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 and 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 who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Deed, 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.

16<sup>th</sup> Given under my hand and office seal of office this the  
day of June, 1994.

  
Notary Public

My Commission Expires: 5-29-95

BROOK HIGHLAND - 10TH SECTOR, 2ND PHASE  
LOT 1039 - Eddleman Properties, Inc.

The Grantees execute this deed only to acknowledge and accept all covenants and restrictions contained hereinabove.

EDDLEMAN PROPERTIES, INC.

By:

Billy D. Eddleman  
Billy D. Eddleman  
Its Chairman and CEO

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Billy D. Eddleman whose name as Chairman and CEO of Eddleman Properties, Inc. 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 conveyance, he in his capacity as such officer and with full authority executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 16<sup>th</sup> day of June, 1994.

[Signature]  
Notary Public

My Commission expires: 05-29-95

Inst # 1994-20816

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10:45 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

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70.00

Brook Highland - 10th Sector, 2nd-Phase  
Lot 1039