

This instrument was prepared by:
Felton W. Smith
Balch & Bingham
P. O. Box 306
Birmingham, Alabama 35201

SEND TAX NOTICE TO:
MarRay-Concourse 100, Inc.
P. O. Box 1297
Birmingham, Alabama 35201

20,500

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten and No/100 Dollars (\$10.00) to the undersigned grantor, in hand paid by the grantee herein, the receipt whereof is acknowledged, **HARBERT PROPERTIES CORPORATION**, an Alabama corporation (herein referred to as "Grantor"), grants, bargains, sells and conveys, subject to the matters set forth on **Exhibit B** hereto, unto **MARRAY-CONCOURSE 100, INC.**, an Alabama corporation (herein referred to as "Grantee"), the real estate described on **Exhibit A** hereto, together with all improvements and appurtenances thereto (the "Property").

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

Grantor does, for itself, its successors, heirs and assigns, bind itself to warrant and defend the Property to the Grantee, its successors, heirs and assigns forever, against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has through its authorized officer hereunto set its hand and seal effective as of the 30th day of December, 1994.

HARBERT PROPERTIES CORPORATION

By:

Its:

[CORPORATE SEAL]

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, ANNE-MARIE ELLIS, a Notary Public in and for said County in said State, hereby certify that BARNETT J. EARLES, whose name as PRESIDENT of **HARBERT PROPERTIES CORPORATION**, an Alabama corporation, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 29TH day of December, 1994.

Anne-Marie Ellis
Notary Public

[NOTARIAL SEAL]

My commission expires: 7-29-95

Inst # 1995-00198

01/03/1995-00198
04:12 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 34.00

Inst # 1995-00198

EXHIBIT A

Lot 1-A, according to an Amendment to a Resurvey of an Amendment to The Concourse at Riverchase, as recorded in Map Book 18, Page 13 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.

Together with ingress and egress over and across that certain road described in the Declaration of Easement recorded in Real 332, Page 637 in said Probate Office.

EXHIBIT B

EXCEPTIONS

1. The lien for ad valorem taxes for 1995.
2. Building setback line of 35 feet reserved from East, Southeasterly, Westerly and South lines of subject property as shown by plat and as shown by survey of Paragon Engineering, Inc. dated February 19, 1991.
3. Public Utility easements as shown by recorded plats, including power, utility, sanitary sewer, storm sewer and storm drainage, all as shown by survey of Paragon Engineering, Inc., dated February 19, 1991.
4. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Deed Book 127, Page 140, Deed Book 269, Page 577 and Deed Book 94, Page 349 in Probate Office.
5. Land Use Agreement dated April 26, 1977, between The Harbert-Equitable Joint Venture and Blue Cross and Blue Shield of Alabama, recorded in Misc. Book 19 beginning at Page 690, and amended in Misc. Book 43, Page 82 and Real 16, Page 64 in Probate Office.
6. Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Business) as shown by Amendment No. 2 as recorded in Misc. Book 19 beginning at Page 633, except as modified in deed recorded in Deed Book 206, page 559, and as modified by Change of Use Agreement recorded in Real 207, Page 551 in Probate Office.
7. 10 foot slope easement across the Easterly portion of Lot 7 (being a portion of subject property), according to survey of Riverchase East, 1st Sector, as recorded in Map Book 6, Page 76 in Probate Office. Said slope easement is located immediately adjacent to the right-of-way of Riverchase Parkway and within the first ten (10) feet of the 35 foot setback line.
8. Easement to Alabama Power Company as set out in Real 270, Page 122 and Deed Book 349, Page 998 in Probate Office, and as shown by survey of Paragon Engineering, Inc., dated February 19, 1991.
9. Rights of others to use the easement dated March 6, 1991, and recorded in Real 332, Page 637 in the Probate Office and referenced in the legal description of the Mortgage and Security Agreement by and between Harbert Properties Corporation and Nationwide Life Insurance Company dated March 6, 1991, and recorded in Real 332, Page 641 in Probate Office.
10. Rights of tenants in possession under existing leases.
11. Assignment of Leases, Rents and Profits by and between Harbert Properties Corporation and Nationwide Life Insurance Company dated March 6, 1991, and recorded in Real 332, Page 678 in said Probate Office, securing \$9,725,000.00.
12. Uniform Commercial Code financing statement filed under No. 027664 in said Probate Office, by and between Harbert Properties Corporation and Nationwide Life Insurance Company, securing \$9,725,000.00.
13. Mortgage and Security Agreement dated March 6, 1991, by Harbert Properties Corporation in favor of Nationwide Life Insurance Company, in the amount of \$9,725,000.00 and recorded in Real 332, Page 641, in Probate Office.

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