

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

SEND TAX NOTICE TO:
MarRay-Concourse 800, 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 800, 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 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 # 1995-00199

01/03/1995-00199
04:12 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 34.00

Inst # 1995-00199

EXHIBIT A

Lot 3-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 and subsequent years.
2. Building setback line of 35 feet reserved from Westerly and South lines of subject property as shown by recorded plat.
3. Public Utility easements as shown by recorded plat.
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. 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 220, Page 119, and as modified by Change of Use Agreement recorded in Real 207, Page 548 in Probate Office.
6. 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.
7. Agreement with Alabama Power Company regarding electric service recorded in Misc. Book 15, Page 401 in Probate Office.
8. 65 foot wide private access and public utility easement on property bordering Easterly line of said Lot 3-A.
9. Easement to Alabama Power Company as shown by instrument recorded in Real 270, Page 122 in Probate Office.
10. Right-of-Way granted to South Central Bell by instrument recorded in Real 303, Page 719 in Probate Office.
11. Rights of others to use the easement described in the Declaration of Easement dated March 16, 1991, recorded in Real 332, Page 637 in Probate Office.
12. Rights of tenants in possession under existing leases.
13. Assignment of Leases, Rents, and Profits by and between Harbert Properties Corporation and United of Omaha Life Insurance Company dated March 20, 1991, and recorded in Real 334, Page 447 in said Probate Office.
14. Uniform Commercial Code financing statement filed under No. 027771 in said Probate Office, by and between Harbert Properties Corporation and United of Omaha Life Insurance Company, securing \$3,210,000.00.
15. Easement for pole line to Alabama Power Company as set out by instrument recorded in Deed Book 349, Page 998 in Probate Office.
16. Mortgage, Financing Statement and Security Agreement dated March 20, 1991, in favor of United of Omaha Life Insurance Company recorded at Real 334, Page 413 in said Probate Office.

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34.00