

Send Tax Notice To:  
BMW Investments, Inc.  
Post Office Box 39007  
Birmingham, Alabama 35208

STATE OF ALABAMA     )  
                              :  
SHELBY COUNTY         )

**STATUTORY WARRANTY DEED**

THIS IS A WARRANTY DEED executed and delivered this 26th day of November, 1996, by **Building Materials Wholesale, Inc., an Alabama corporation** (hereinafter referred to as the "Grantor") to **BMW Investments, Inc., an Alabama corporation** (hereinafter referred to as the "Grantee").

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of Ten and no/100 Dollars (\$10.00) in hand paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged by Grantor, and the assumption of the below described mortgages, the Grantor does by these presents, grant, bargain, sell and convey unto the Grantee the following described real estate situated in Shelby County, Alabama, to-wit:

Part of Block 1, Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Probate Office of Shelby County, Alabama, situated in Section 31, Township 19 south, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the center line - point of tangent station 31+40.12 of Cahaba Valley Parkway; thence run North along the center line of said Cahaba Valley Parkway for 54.71 feet to a point; thence 90 deg. left and run Westerly for 30.00 feet to a point on the West right of way line of said Cahaba Valley Parkway, said point also being the point of beginning; thence continue Westerly along the last stated course for 220.00 feet; thence 90 deg. right and run Northerly for 275.17 feet to a point on the South right of way line of Cahaba Valley Parkway West; thence 90 deg. right and run Easterly along the South line of said street for 170.00 feet to the beginning of a curve to the right; said curve subtending a central angle of 90 deg. and having a radius of 50.00 feet; thence run Southeasterly along the arc of said curve for 78.54 feet to the end of said curve, said point being on the West right of way line of Cahaba Valley Parkway; thence at tangent to said curve run Southerly along said right of way line for 225.17 feet to the point of beginning; being situated in Shelby County, Alabama;

12/09/1996-40464  
11:34 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 SNA 14.50

Inst # 1996-40464

TOGETHER WITH all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor in and to any and all roads, alleys and ways bounding said premises.

This conveyance is subject to the following:

1. Ad valorem taxes for tax year 1993;
2. Public utility easements as shown by recorded plat, including 15 feet on the Westerly side as shown on the survey by Joseph Miller dated June 17, 1993 for sanitary sewer;
3. Restrictions, covenants and conditions as set out in instrument(s) recorded in Real 268, Page 140; Real 290, Page 386 and Real 325, Page 929 and as Instrument #1992-15856 in the Office of the Judge of Probate, Shelby County, Alabama;
4. Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed 101, Page 520 and Deed 145, Page 378 in said Probate Office; and
5. Easement(s) to Alabama Power Company as shown by instrument recorded in Real 292, Page 618 in said Probate Office.

**Grantee hereby assumes and agrees to pay that certain mortgage executed by Building Materials Wholesale, Inc. to First Commercial Bank dated July 15, 1993 and recorded in the Office of the Judge of Probate of Shelby County, Alabama in Instrument #1993-21107, which presently has an outstanding balance of \$ 278,034.67; and Grantee hereby assumes and agrees to pay that certain mortgage executed by Building Materials Wholesale, Inc. to the Southern Development Council, Inc. dated October 17, 1994 and recorded in the Office of the Judge of Probate of Shelby County, Alabama in Instrument #1994-31587 which presently has a balance of \$ 236,958.99.**

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

The Grantor hereby covenants and agrees with Grantee, its successors and assigns, that the Grantor, its successors and assigns, will warrant and defend the above described real estate against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under the Grantors, but not further or otherwise.

IN WITNESS WHEREOF, the Grantor has caused this Warranty Deed to be executed by its President which is duly authorized hereunto, on this 26<sup>th</sup> day of November, 1996.

BUILDING MATERIALS WHOLESALE, INC.,  
an Alabama corporation

By: 


J.P. Cornelius

Its President

STATE OF ALABAMA     )  
                                  :  
SHELBY COUNTY         )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that J.P. Cornelius whose name as President of Building Materials Wholesale, Inc., an Alabama corporation, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my and official seal this 26<sup>th</sup> day of November, 1996.

  
Notary Public  
3-21-2000

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THIS INSTRUMENT PREPARED BY

PRITCHARD, McCALL & JONES, L.L.C.  
800 Financial Center  
505 North 20th Street  
Birmingham, Alabama 35203-2605