

Send tax notice to:
Birmingham Realty Company
218 First Avenue North
Birmingham, Alabama 35203

This instrument prepared by:
John E. Hagefstration, Jr.
Bradley Arant Rose & White LLP
420 North 20th Street, Suite 2000
Birmingham, Alabama 35203-3208

Inst # 1997-02322

STATE OF ALABAMA)
 :
SHELBY COUNTY)

STATUTORY WARRANTY DEED

THIS STATUTORY WARRANTY DEED is made and executed on this the 20th day of January, 1997, by LAWYERS TITLE EXCHANGE COMPANY-BKC, a Virginia corporation (the "Grantor") to BIRMINGHAM REALTY COMPANY, an Alabama corporation (the "Grantee").

W I T N E S S E T H:

WHEREAS, pursuant to the terms of that certain Exchange Agreement dated November 4, 1996 (the "Exchange Agreement") between Grantor and Grantee, Grantor acquired certain real property (the "Subject Property") from Columbiana Associates, L.L.C. in order to facilitate a like-kind exchange of properties with Grantee in accordance with Section 1031 of the Internal Revenue Code of 1986; and

WHEREAS, as provided in the Exchange Agreement, Grantor now desires to convey the Subject Property to Grantee to complete such like-kind exchange.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by the Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, the Grantor does, by these presents, grant, bargain, sell and convey unto the Grantee, the real estate described on Exhibit "A" attached hereto situated in Shelby County, Alabama;

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.

TO HAVE AND TO HOLD, to the said Grantee, its successors and assigns forever, subject, however, to the following matters:

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01/23/1997-02322
11:08 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MCD 853.00

1. Ad valorem taxes due in 1997; and
2. Right-of-way granted to the City of Columbiana by instrument recorded in Inst. #1994-34679.

IN WITNESS WHEREOF, the Grantor has caused this Warranty Deed to be executed on the date first written above.

LAWYERS TITLE EXCHANGE
COMPANY-BKC
A Virginia Corporation

By: Lynn Hoff
Its: Vice President

STATE OF ALABAMA)
:
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Lynn Hoff, whose name as Vice President of Lawyers Title Exchange Company, a 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, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 20th day of January, 1997.

Mayo C. Crain
Notary Public

[NOTARIAL SEAL]

My commission expires: 3-19-97



EXHIBIT A

Miller, Triplett & Miller Engineers, Inc.

Consulting Engineers

108 North 40th Place P.O. Box 321607
Birmingham, Alabama 35232

Telephone (205) 592-0391
Telecopier (205) 592-0392

PARCEL I

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DESCRIPTION: PART OF THE N.E. 1/4 OF THE N.W. 1/4 AND PART OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 26; PART OF THE S.E. 1/4 OF THE S.W. 1/4 AND PART OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 23, ALL IN TOWNSHIP 21 SOUTH, RANGE 1 WEST, IN COLUMBIANA, SHELBY COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE N.W. 1/4 OF SAID SECTION 26; THENCE RUN NORTH ALONG THE EAST LINE OF SAID SECTION 26 PROJECTED NORTHWARD FOR 2.82 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF DEPOT STREET, SAID POINT ALSO BEING AN OLD REBAR CORNER WHICH IS ALSO THE SOUTHEAST CORNER OF THE "ELLIOTT LOT" DESCRIBED IN DEED BOOK 12, PAGE 496; THENCE 137°-14'-28" RIGHT AND RUN SOUTHEAST ALONG SAID RIGHT OF WAY LINE FOR 30.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE LAST STATED COURSE AND ALONG SAID RIGHT OF WAY LINE OF DEPOT STREET FOR 112.81 FEET; THENCE 86°-37'-09" RIGHT AND RUN SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE FOR 15.05 FEET TO A CONCRETE MONUMENT WHICH IS 40.0 FEET FROM THE CENTERLINE OF SAID DEPOT STREET; THENCE 93°-25'-46" LEFT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 47.55 FEET TO A MONUMENT AT THE INTERSECTION OF THE WEST LINE OF DEPOT STREET AND ALABAMA HIGHWAY 25; THENCE 43°-45'-52" RIGHT AND RUN SOUTHERLY ALONG SAID RIGHT OF WAY LINE FOR 94.24 FEET TO A MONUMENT 60 FEET FROM THE CENTERLINE OF ALABAMA HIGHWAY 25; THENCE 31°-41'-22" RIGHT AND RUN SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE FOR 648.64 FEET TO A 1" SOLID IRON AT THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN VOLUME 305, PAGE 237; THENCE 59°-03'-43" RIGHT AND RUN WESTERLY ALONG THE NORTH LINE OF SAID PARCEL FOR 289.44 FEET (RECORD 290.35 FEET)

PARCEL I DESCRIPTION

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OPEN TOP IRON; THENCE 00°-11'-30" LEFT AND RUN WESTERLY ALONG THE NORTH LINE OF PARCEL DESCRIBED IN VOLUME 228, PAGE 49, FOR 110.98 FEET (RECORD 110.00 FEET) TO A 1" OPEN TOP IRON; THENCE 00°-14'-42" RIGHT AND RUN WEST ALONG THE NORTH LINE OF THAT PARCEL DESCRIBED IN VOLUME 303, PAGE 413, FOR 170.30 FEET (RECORD 175.0 FEET) TO A 1" REBAR; THENCE 05°-48'-53" LEFT AND RUN WEST ALONG THE NORTH LINE OF PARCELS DESCRIBED IN VOLUME 342, PAGE 739, AND VOLUME 284, PAGE 863 FOR 180.02 FEET (RECORD 187.50 FEET) TO A 1 1/4" OPEN TOP IRON; THENCE 03°-09'-00" LEFT AND RUN WEST ALONG THE NORTH LINE OF PARCELS DESCRIBED IN VOLUME 250, PAGE 379, AND VOLUME 262, PAGE 849, FOR 170.89 FEET (RECORD 171.34 FEET) TO A 1/2" REBAR; THENCE 01°-58'-56" RIGHT AND RUN WESTERLY ALONG THE NORTH LINE OF THAT PARCEL DESCRIBED IN VOLUME 300, PAGE 111 FOR 85.61 FEET (RECORD 85.67 FEET) TO A POINT ON THE EAST LINE OF LOT 15 OF COLUMBIANA HOUSE, INC. SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 82, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE 103°-00'-12" RIGHT AND RUN NORTH ALONG THE EAST LINE OF LOTS 15, 14, AND 13 OF SAID SUBDIVISION FOR 271.08 FEET (RECORD 260 FEET); THENCE 99°-02'-50" (RECORD 98°-56'-00") LEFT AND RUN WEST ALONG THE NORTH LINE OF SAID LOT 13 AND ITS WESTWARD EXTENSION FOR 222.05 FEET (RECORD 210.00 FEET); THENCE 98°-56'-00" RIGHT AND RUN NORTH ALONG THE EAST LINE OF SAID SUBDIVISION FOR 257.6 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE SOUTHERN RAILWAY; THENCE 55°-05'-00" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE (PARALLEL TO AND 50 FEET AS MEASURED PERPENDICULARLY FROM THE MAIN TRACK) FOR 624.31 FEET; THENCE 90°-00'-00" RIGHT AND RUN SOUTHEASTERLY FOR 50.0 FEET; THENCE 90°-00'-00" LEFT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 300.00 FEET; THENCE 90°-00'-00" RIGHT AND RUN SOUTHEASTERLY FOR 92.0 FEET; THENCE 90°-00'-00" LEFT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 235.48 FEET TO A POINT ON THE

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WEST LINE OF SAID ELLIOTT LOT; THENCE 81°-14'-47" RIGHT AND RUN SOUTHEASTERLY ALONG SAID WEST LINE OF THE ELLIOTT LOT (AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF DEPOT STREET FOR 146.98 FEET TO THE WESTERNMOST CORNER OF THAT PARCEL DESCRIBED IN VOLUME 169, PAGE 734; THENCE 93°-46'-21" RIGHT AND RUN SOUTHWESTERLY FOR 10.02 FEET TO A POINT; THENCE 93°-46'-21" LEFT AND RUN SOUTHEASTERLY FOR 10 FEET FROM AND PARALLEL TO THE WESTERNMOST LINE OF SAID PARCEL FOR 130.06 FEET TO A POINT; THENCE 86°-13'-39" LEFT AND RUN NORTHEASTERLY FOR 30 FEET FROM AND PARALLEL TO THE SOUTHERNMOST LINE OF THOSE PARCELS DESCRIBED IN VOLUME 169, PAGE 734 AND VOLUME 221, PAGE 46 FOR 200.73 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 965,427 SQUARE FEET, MORE OR LESS, OR 22.163 ACRES, MORE OR LESS.

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LESS AND EXCEPT:

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11:08 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MCD 853.00

OUT PARCEL

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF THE NW 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 1 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF THE NW 1/4 OF SAID SECTION 26; THENCE IN A NORTHERLY DIRECTION ALONG THE PROJECTION OF THE EASTERLY LINE OF SAID SECTION 26, A DISTANCE OF 2.82 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DEPOT STREET SAID POINT ALSO BEING AN OLD REBAR CORNER WHICH IS ALSO THE SE CORNER OF THE ELLIOT LOT DESCRIBED IN DEED BOOK 12, PAGE 496; THENCE 137 DEGREES 14 MINUTES 28 SECONDS RIGHT IN A SOUTHEASTERLY DIRECTION ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 70.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG LAST DESCRIBED COURSE AND RIGHT OF WAY LINE, A DISTANCE OF 72.72 FEET; THENCE 86 DEGREES 37 MINUTES 09 SECONDS RIGHT IN A SOUTHWESTERLY DIRECTION AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 15.05 FEET TO A CONCRETE MONUMENT WHICH IS 40 FEET FROM THE CENTERLINE OF SAID DEPOT STREET; THENCE 93 DEGREES 25 MINUTES 46 SECONDS LEFT IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 47.55 FEET TO A MONUMENT AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF DEPOT STREET AND ALABAMA HIGHWAY NO. 25; THENCE 43 DEGREES 45 MINUTES 52 SECONDS RIGHT IN A SOUTHERLY DIRECTION AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 94.24 FEET TO A MONUMENT 60 FEET FROM THE CENTERLINE OF ALABAMA HIGHWAY NO. 25; THENCE 31 DEGREES 41 MINUTES 22 SECONDS RIGHT IN A SOUTHWESTERLY DIRECTION AND ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 77.00 FEET; THENCE 90 DEGREES RIGHT IN A NORTHWESTERLY DIRECTION, A DISTANCE OF 171.49 FEET; THENCE 21 DEGREES 21 MINUTES 23 SECONDS RIGHT IN A NORTHWESTERLY DIRECTION, A DISTANCE OF 77.68 FEET; THENCE 93 DEGREES 46 MINUTES 21 SECONDS RIGHT IN A NORTHEASTERLY DIRECTION, A DISTANCE OF 200.73 FEET TO THE POINT OF BEGINNING,