

SEND TAX NOTICE TO:

Pelham Industrial  
Development Board  
Pelham City Hall  
Pelham, AL 35124

STATE OF ALABAMA )

SHELBY COUNTY )

### STATUTORY WARRANTY DEED

THIS IS A WARRANTY DEED executed and delivered this 22nd day of May, 1997 by **119 PROPERTIES, LTD.**, an Alabama limited partnership (hereinafter referred to as the "Grantor"), to **PELHAM INDUSTRIAL ENTERPRISES VII, L.L.C.** (hereinafter referred to as the "Grantee").

#### KNOW ALL MEN BY THESE PRESENTS:

That in consideration of **Three Hundred Fifteen Thousand and 00/100ths DOLLARS (\$315,000.00)** in hand paid by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged by Grantor, the Grantor does by these presents, grant, bargain, sell and convey unto the Grantee the following described real estate located in Shelby County, Alabama, to-wit:

Part of Block 3 of Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Probate Office of Shelby County, Alabama, being more particularly described as follows: Commence at the Northeast corner of the NW 1/4 of the NE 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, said 1/4-1/4 Section corner being 1,331.88 feet, measured (1,331.96) feet record) West of the Northeast corner of Section 31, Township 19 South, Range 2 West, said point being the Northeast corner of said Block 3 of Cahaba Valley Park North and the Northeast corner of the Survey of the Alagasco site by Joseph A. Miller, Jr. dated 3-2-95, and the Northwest corner of the Survey of the Drivers Mart Site by Joseph A. Miller, Jr. dated 12-18-96; thence run West along the North line of said NW 1/4 of the NE 1/4 of said Section 31 and along the North line of said Block 3 and the North line of said Alagasco site for 588.83 feet to a point on the East right of way line of Cahaba Valley Parkway North, said point being 60.08 feet East of the Northwest corner of said Block 3, Thence 92 degrees 39 minutes 22 seconds left and run Southerly along the East right of way line of said Cahaba Valley Parkway North and along the West property line of the Alagasco site for 427.54 feet to a point on the North right of way line of a 50 foot wide Alabama Power Company right of way, said point being the Southwest corner of the Alagasco site and the point of beginning of the property herein described, thence 103 degrees 10 minutes 59 seconds left and run Northeasterly along said Alabama Power Company right of way and along the South line of said Alagasco site for 183.31 feet; thence 00 degrees 55 minutes 04 seconds right and continue Northeasterly along said right of way line and the South line of said Alagasco site of 415.90 feet to a point on the East line of said Block 3 and the Southeast corner of said Alagasco site, said point also being on the West line of said Drivers Mart Survey; thence 102 degrees 58 minutes 33 seconds right and run Southerly along the West line of said Drivers Mart Survey for 495.52 feet; thence 89 degrees 17 minutes 22 seconds right and run Westerly for 578.74 feet to a point on the East right of way line of said Cahaba Valley Parkway North; thence 90 degrees 00 minutes 00 seconds right and run Northerly along said right of way line for 365.33 feet to the Point of Beginning;

**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 1997;
2. Public easements as shown by recorded plat, including 12 foot slope easement on the Southeasterly side as shown on the survey by Joseph A. Miller, dated February 22, 1995;
3. Declaration of Protective Covenants for Cahaba Valley Park North as set out in Real 268 page 140; as amended by:
  - (a) Restrictive Covenants in connection with Camps, Inc. as recorded in Real 290 page 386;
  - (b) Declaration of Restrictive Covenants in connection with Taco Bell as recorded in Real 325 page 929;
  - (c) Restrictive Covenants in connection with Pelham Motel Investors as recorded in Instrument #1992-15856;
  - (d) Restrictive Covenants in connection with Baptist Medical Center as recorded in Instrument #1993-25691;

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SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 13.00

Inst # 1997-16410

Cahaba Valley

4. Transmission Line Permit(s) to Alabama Power Company as shown by instruments recorded in Deed 101 pages 520 and 521, Deed 113 page 281 and Deed 145 page 378 in said Probate Office;
5. Easement(s) to Alabama Power Company as shown by instrument recorded in Real 292 page 618 in Probate Office; and
6. Subject to a 50 foot Alabama Power Company right of way with overhead power transmission lines and location of "old fence" running through lot as shown on the survey of Joseph A. Miller, dated April 18, 1997.
7. Drainage Easement to Alabama Gas Corporation as recorded in Inst. No. 1995-9128 in said Probate Office.
8. Slope Easement to Alabama Gas Corporation as recorded in Inst. No. 1995-9127 in Probate Office.

**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 General Partner which is duly authorized hereunto, on the day first written above.

**119 PROPERTIES, LTD.** an  
Alabama limited partnership

By: **CAHABA VALLEY PROPERTIES, INC.**  
Its General Partner


By:   
**Charles H. Stephens**  
President

**STATE OF ALABAMA )**

**JEFFERSON COUNTY )**

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **CHARLES H. STEPHENS**, whose name as President of **CAHABA VALLEY PROPERTIES, INC.**, the General Partner of **119 PROPERTIES, LTD.**, an Alabama limited partnership, is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, in his capacity as such President and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as general partner of said limited partnership.

Given under my hand this the 22nd day of May, 1997.

  
Notary Public  
My Commission Expires: 10-27-97

**THIS INSTRUMENT PREPARED BY**

Cheris Isom  
Berkowitz, Lefkovitz, Isom & Kushner  
1600 SouthTrust Tower  
Birmingham, Alabama 35203

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