

**SEND TAX NOTICES TO:**  
INTOWN SUITES SOUTHPARK, LLC  
2102 Piedmont Road  
Atlanta, Georgia, 30324

**STATUTORY WARRANTY DEED**

STATE OF ALABAMA  
COUNTY OF SHELBY

**KNOW ALL MEN BY THESE PRESENTS**, that in consideration of the sum of Seven Hundred Twenty-Six Thousand Seven Hundred Eighty-One and 25/100 Dollars (\$726,781.25) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, EES JOINT VENTURE, an Alabama General Partnership (herein referred to as "Grantor"), hereby grants, bargains, sells, and conveys unto INTOWN SUITES SOUTHPARK, LLC (herein referred to as "Grantee"), the real estate situated in Shelby County, Alabama, and described on Exhibit "A" attached hereto.

[A portion of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.]

**TO HAVE AND TO HOLD** the described premises to Grantee, its successors and assigns forever.

**AND THE GRANTOR** will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of Grantor and all others claiming by or under Grantor.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed this Deed on the 11 day of July, 1997.

**EES JOINT VENTURE, an Alabama General Partnership**

By: EES DEVELOPMENT CORPORATION, an Alabama Corporation  
(As Managing General Partner)

By:   
Marc A. Eason (Its President)

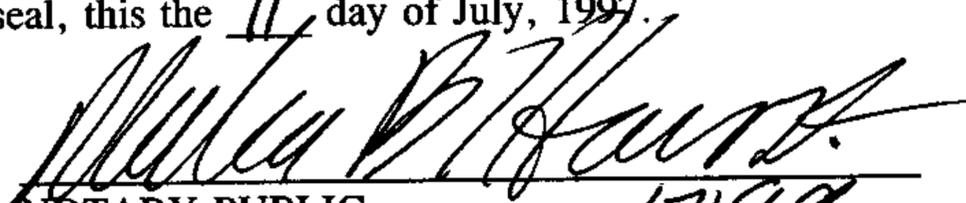
[ACKNOWLEDGEMENT ON NEXT PAGE]

07/14/1997-22106  
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SHELBY COUNTY JUDGE OF PROBATE  
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STATE OF ALABAMA            )  
COUNTY OF JEFFERSON        )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Marc A. Eason, whose name as President of EES DEVELOPMENT CORPORATION, an Alabama Corporation, as Managing General Partner of EES JOINT VENTURE, an Alabama General Partnership, 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 said instrument, he, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in its capacity as Managing General Partner as aforesaid.

Given under my hand and official seal, this the 11 day of July, 1997.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 6/7/99

THIS INSTRUMENT PREPARED BY AND AFTER  
RECORDATION SHOULD BE RETURNED TO:  
William B. Hairston III  
Engel, Hairston, & Johanson P.C.  
P.O. Box 370027  
Birmingham, AL 35237  
(205) 328-4600

**EXHIBIT "A"**  
**TO**  
**WARRANTY DEED**  
**AFFIDAVIT AND INDEMNITY**  
**NON-FOREIGN AFFIDAVIT . . . .**

Inst # 1997-22106

Grantor: EES JOINT VENTURE, an Alabama General Partnership  
Grantee: INTOWN SUITES SOUTHPARK, LLC

Lot 9-A, according to a Resurvey of Lots 9 and 10, Southpark, as recorded in Map Book 22, page 17, in the Office of the Judge of Probate of Shelby County, Alabama.

**SUBJECT TO:**

- i) taxes and assessments for 1997, a lien but not yet payable;
- ii) mineral and mining rights and all rights incident thereto including any release of damages as set forth in Deed Book 127, page 140 as to the Northwest quarter of the Southwest quarter of Section 30, Township 19 South, Range 2 West;
- iii) Easements rights and obligations reserved by Sunlink Corporation in deed to EES Joint Venture set forth in Book 285, page 203;
- iv) Agreement between the Harbert-Equitable Joint Venture and EES Joint Venture dated February 15, 1990 as referred to in deed to EES Joint Venture recorded in Book 285, page 207, and recorded as Instrument #1996-744 and Instrument #1996-745;
- v) all rights of parties concerning that certain Temporary Construction and Grading Easement Agreement dated March 30, 1990 among Sunlink Corporation; Bell South Services, Incorporated and others recorded in Real Book 285, page 207;
- vi) transmission line permits to Alabama Power Company as recorded in Deed Book 101, page 523, Deed Book 139, page 157, Deed Book 292, page 356, and as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97.
- vii) Right of way in favor of Shelby County Alabama in Deed Book 153, page 212 (as to Highway 31) and as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97;
- viii) Building set back lines and all easements shown on the plat of South Park Map Book 20, page 100 and Map Book 14, page 25, and Map Book 22, page 17;
- ix) utility and drainage easement as set out in Map Book 22, page 17 and as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97;
- x) landscape area defined on record Map Book 22, page 17; and
- xi) Yard inlets located along Northwest side and Southwest side and fire hydrant located along northwest side as shown on survey by Sain Associates, Inc. dated 12-2-96 and revised 2-21-97.

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