

This Instrument Prepared By:
James F. Burford, III
Attorney at Law
1318 Alford Avenue Suite 101
Birmingham, Alabama 35226

Send Tax Notice To:

Inst. # 1998-31523

WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That in consideration of THREE HUNDRED EIGHTY FIVE THOUSAND AND NO/100 DOLLARS (\$385,000.00), to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, SOUTHERN READY MIX, INC. (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto FRANK C. ELLIS, JR., L.L.C., AN UNDIVIDED 25% INTEREST, FRANK C. ELLIS, III, L.L.C., AN UNDIVIDED 25% INTEREST, BENNER INVESTMENTS, L.L.C., AN UNDIVIDED 16 2/3% INTEREST, McGEEVER INVESTMENTS, L.L.C., AN UNDIVIDED 16 2/3% INTEREST AND ROBERTSON INVESTMENTS, L.L.C., AN UNDIVIDED 16 2/3% INTEREST. (herein referred to as Grantee, whether one or more), the following described real estate, situated in SHELBY County, Alabama, to-wit:

Described on Exhibit A attached hereto and incorporated by reference herein.

SUBJECT TO: (1) Taxes due in the year 1998 and thereafter; (2) Right-of-way granted to Alabama Power Company recorded in Real Volume 75, Page 676; (3) Right-of-way as recorded in Real Volume 79, Page 889; (4) Agreement as recorded in Real Volume 79, Page 890 and Real Volume 79, Page 896; (5) Less and except any part of subject property lying within Highway 280; (6) Mineral and mining rights not owned by the Grantor.

The entire consideration recited herein was derived from a Mortgage Loan closed simultaneously with the delivery of this deed.

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

And we do for ourselves and for our heirs, executors and administrators, covenant with said Grantee, their successors and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that we have a good right to sell and convey the same as aforesaid; that we will, and our heirs, executors and administrators shall warrant and defend the same to the said Grantee, his successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal, this the 11th day of August, 1998.

SOUTHERN READY MIX, INC.

By: Ronald Smith
Its: Secretary

STATE OF Alabama)

Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify

that Rowan Smith whose name as the Secretary of SOUTHERN READY MIX, INC., 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 foregoing instrument he/she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 11th day of Aug., 1998.

Joanie C. Johnson
Notary Public
My Commission Expires: 10/23/99

EXHIBIT 'A'
SOUTHERN READY MIX, INC
TO

FRANK C. ELLIS JR. LLC et. al.

A part of the NE 1/4 of the SE 1/4 of Section 31, Township 18 South, Range 1 West,
being more particularly described as follows:

Begin at the northeast corner of the NE 1/4 of the SE 1/4 of Section 31, Township 18 South, Range 1 West; thence south along the east line of said 1/4-1/4 section a distance of 1120.00 feet to a point on the northerly right of way line of U.S. Highway 280; thence 69 degrees 32 minutes 40 seconds to the right in a southwesterly direction along said R.O.W. line a distance of 61.34 feet to a point; thence 110 degrees 20 minutes to the right in a northerly direction a distance of 374.59 feet to a point; thence 90 degrees 00 minutes to the left in a westerly direction a distance of 205.00 feet to a point; thence 89 degrees 32 minutes 03 seconds to the right in a northerly direction a distance of 767.32 feet to a point on the north line of the NE 1/4 of the SE 1/4 of said Section 31; thence 90 degrees 34 minutes 05 seconds to the right in an easterly direction along the north line of said 1/4-1/4 section a distance of 271.15 feet to the point of beginning.

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08/14/1998-31523
09:50 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MEL 17.50