

1,100,000.00

Send Tax Notice To:

Douglas D. Eddleman

2700 Highway 280, Suite 325

Birmingham, Alabama 35223

STATE OF ALABAMA     )  
                                  :  
SHELBY COUNTY         )

**STATUTORY WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That in consideration of \$ 100 .00 in hand paid by **EDDLEMAN PROPERTIES, INC.**, an Alabama corporation ("Grantee"), to the undersigned grantor, **BROOK HIGHLAND HIGHWAY, L.L.C.**, a Delaware limited liability company ("Grantor"), the receipt of which is hereby acknowledged, Grantor does hereby, grant, bargain, sell and convey to Grantee the land described on Exhibit A attached hereto and incorporated herein, situated in Shelby County, Alabama (the "Property").

The Property is conveyed subject to the title encumbrances described in Exhibit B attached hereto and incorporated herein.

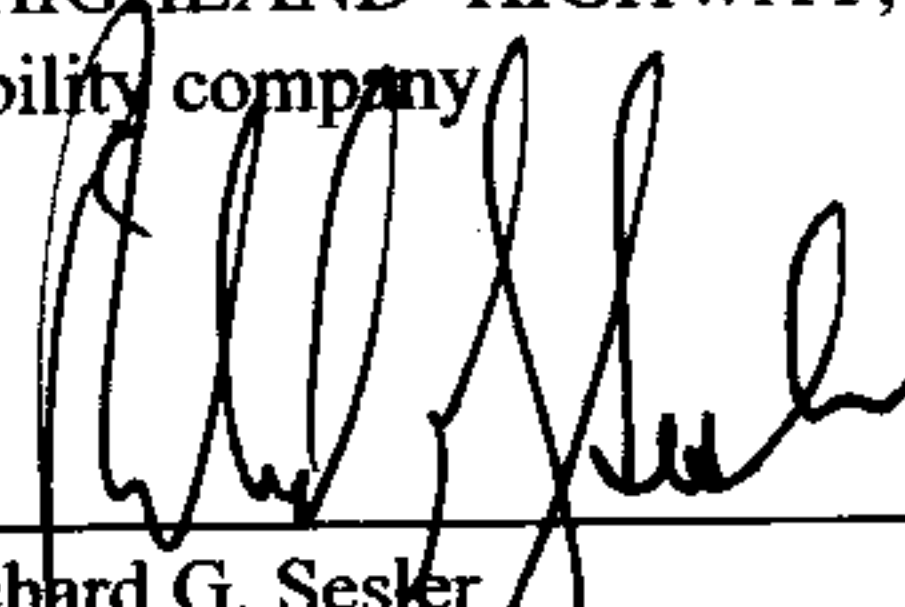
TO HAVE AND TO HOLD unto Grantee, its successors and assigns, forever.

By its acceptance of this Statutory Warranty Deed, Grantee hereby, for itself and its successors and assigns, acknowledges and agrees that it is accepting the Property "AS IS, WHERE IS" with all faults and conditions.

IN WITNESS WHEREOF, Grantor, who is authorized to execute this conveyance, has caused this instrument to be duly executed this 8<sup>th</sup> day of February, 1999.

BROOK HIGHLAND HIGHWAY, L.L.C., a Delaware limited liability company

By:

  
Richard G. Sesler  
Vice President & Manager

HTPL: 64624

1

02/18/1999-06835  
08:43 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
008 MMS 1126.00

Inst # 1999-06835

CANABA title

STATE OF ~~ALABAMA~~ )  
NC :

JEFFERSON COUNTY )  
Mecklenburg

I, the undersigned authority, a Notary Public in and for said County in said State, do hereby certify that Richard G. Sesler, Vice President & Manager, of BROOK HIGHLAND HIGHWAY, L.L.C., a Delaware limited liability company, personally came and acknowledged the due execution of the foregoing instrument in writing for the purposes therein expressed.

Given under my hand and official seal of office, this 8<sup>th</sup> day of February, 1999.

Patricia F. Waite PATRICIA F. WAITE  
Notary Public

[NOTARIAL SEAL]

My Commission Expires: 6-22-2000

Prepared by:

Meade Whitaker, Jr.  
2500 SouthTrust Tower  
Birmingham, Alabama 35203

## EXHIBIT A

### Parcel I

Part of Lot 6, Jessica Ingram Property, as recorded in Map Book 3 page 54 in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows: Beginning at the SW corner of said Lot 6, run thence in an Easterly direction along the South line of said Lot 6 for a distance of 1274.54 feet to the West right of way line of Shelby County Road No. 495; thence turn an angle to the left of 94 deg. 15 min. 23 sec. and run in a Northerly direction along said right of way line for a distance of 10.02 feet; thence turn an angle to the left of 85 deg. 44 min. 37 sec. and run in a Westerly direction for a distance of 1273.94 feet to the West line of said Lot 6; thence turn an angle to the left of 90 deg. 47 min. 50 sec. and run in a Southerly direction along the West line of said Lot 6 for a distance of 10.00 feet to the point of beginning; being situated in Shelby County, Alabama.

### Parcel II

A parcel of land situated in Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at an old iron locally accepted to be the SW corner of the NW 1/4 of the SE 1/4 of said Section 30; thence run North along the West line of said 1/4 1/4 Section for a distance of 569.60 feet to the Southwest corner of Lot 2030 in Brook Highland 20th Sector, as recorded in Map Book 16 page 148 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 134 deg. 36 min. 48 sec. and run in a Southeasterly direction along the Southwest line of said Lot 2030 for a distance of 196.27 feet to the Southwest corner of Lot 2031 in said Brook Highland 20th Sector; thence turn an angle to the left of 25 deg. 05 min. 37 sec. and run in a Southeasterly direction along the Southwest line of Lots 2031 & 2032 in said Brook Highland 20th Sector for a distance of 444.18 feet to the Southwest corner of Lot 2033 in said Brook Highland 20th Sector; thence turn an angle to the left of 23 deg. 41 min. 24 sec. and run in a Northeasterly direction along the Southeast line of said Lot 2033 for a distance of 174.51 feet to the Northwest corner of Lot 1019 in Brook Highland 10th Sector, 2nd Phase, as recorded in Map Book 18 page 36 A & B, in the Office of the Judge of Probate of Shelby County, Alabama; thence turn an angle to the right of 92 deg. 44 min. 26 sec. and run in a Southerly direction along the West line of said Lot 1019 and also along the West line of Lot 1020 in said Brook Highland 10th Sector, 2nd Phase, for a distance of 185.65 feet to a point; thence turn an angle to the left of 07 deg. 24 min. 12 sec. and run in a Southeasterly direction along the Southwest line of Lots 1020 & 1021 in said Brook Highland 10th Sector, 2nd Phase, for a distance of 176.77 feet to a point; thence turn an angle to the left of 14 deg. 23 min. 55 sec. and run in a Southeasterly direction along the Southwest line of Lots 1021 & 1022 in said Brook Highland 10th Sector, 2nd Phase, for a distance of 135.49 feet to a point; thence turn an angle to the right of 05 deg. 15 min. 23 sec. and run in a Southeasterly direction along the Southwest line of said Lot 1022 for a distance of 23.04 feet to the Northern-most corner of Lot 1205 in Brook Highland 11th Sector, Phase II, as recorded in Map Book 22 page 36 A & B, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 59 deg. 29 min. 59 sec. and run in a Southwesterly direction along the Northwest line of said Lot 1205 for a distance of 55.08 feet to the Northeast corner of Lot 1204 in said Brook Highland 11th Sector, Phase II; thence turn an angle to the right of 65 deg. 22 min. 28 sec. and run in a Northwesterly direction along the Northeast line of Lots 1204 through 1202 in said Brook Highland 11th Sector, Phase II, for a distance of 409.19 feet to the Northeast corner of Lot 1201 in said Brook Highland 11th Sector, Phase II; thence turn an angle to the left of 09 deg. 51 min. 01 sec. and run in a Northwesterly direction along the Northeast line of Lots 1201 through 1199 in said Brook Highland 11th Sector, Phase II for a distance of 372.37 feet to a point; thence turn an angle to the right of 76 deg. 52 min. 19 sec. and run in a Northwesterly direction along the Northeast line of said Lot 1199 for a distance of 87.66 feet to a point; thence turn an angle to the left of 83 deg. 38 min. 29 sec. and run in a Westerly direction along the North line of said Lot 1199 for a distance of 17.86 feet to the point of beginning; being situated in Shelby County, Alabama.

### Parcel III

A parcel of land situated in Sections 19, 29 and 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at a 3 inch capped iron locally accepted to be the SE corner of said Section 19; thence run North along the East line of said Section 19 for a distance of 1,334.00 feet to a 3 inch capped iron locally

accepted to be the Northeast corner of the SE 1/4 of the SE 1/4 of said Section 19; thence turn an angle to the left of 89 deg. 42 min. 43 sec. and run in a Westerly direction along the North line of said 1/4 1/4 Section for a distance of 1,341.29 feet to the Northwest corner of said 1/4 1/4 Section; thence turn an angle to the left of 90 deg. 14 min. 33 sec. and run in a Southerly direction along the West line of said 1/4 1/4 Section for a distance of 932.80 feet to a point on the North line of Lot 2116 in Brook Highland 21st Sector, Phase II, as recorded in Map Book 18 page 129 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of 79 deg. 54 min. 10 sec. and run in a Southeasterly direction along the North line of said Lot 2116 and crossing Brook Highland Ridge in said Brook Highland 21st Sector, Phase II, for a distance of 67.41 feet to a point; thence turn an angle to the right of 90 deg. 00 min. 00 sec. and run in a Southwesterly direction along the Southeast right of way of said Brook Highland Ridge for a distance of 45.00 feet to the Northwest corner of Lot 2115 in said Brook Highland 21st Sector, Phase II; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in a Southeasterly direction along the North line of said Lot 2115 for a distance of 200.00 feet to the NE corner of said Lot 2115; thence turn an angle to the right of 95 deg. 36 min. 36 sec. and run in a Southwesterly direction along the Southeast line of said Lot 2115 for a distance of 173.75 feet to the Northeast corner of Lot 2114 in said Brook Highland 21st Sector, Phase II; thence turn an angle to the right of 22 deg. 59 min. 01 sec. and run in a Southwesterly direction along the Southeast line of said Lots 2114 & 2113 in said Brook Highland 21st Sector, Phase II for a distance of 324.79 feet to the Northeast corner of Lot 2112 in Brook Highland 21st Sector, as recorded in Map Book 18 page 52 A & B, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of 27 deg. 17 min. 04 sec. and run in a Southwesterly direction along the Southeast line of Lots 2112, 2111 & 2110 in said Brook Highland 21st Sector for a distance of 389.86 feet to the Northeast corner of Lot 2109 in said Brook Highland 21st Sector; thence turn an angle to the right of 17 deg. 20 min. 59 sec. and run in a Southwesterly direction along the Southeast line of said Lot 2109 for a distance of 169.54 feet to the Northeast corner of Lot 2108 in said Brook Highland 21st Sector; thence turn an angle to the right of 04 deg. 39 min. 02 sec. and run in a Southwesterly direction along the Southeast line of said Lot 2108 for a distance of 205.00 feet to the Northeast corner of Lot 2107 in said Brook Highland 21st Sector; thence turn an angle to the left of 01 deg. 54 min. 58 sec. and run in a Southwesterly direction along the Southeast line of Lots 2107, 2106 & 2105 in said Brook Highland 21st Sector for a distance of 399.46 feet to the Northeast corner of Lot 2104 in said Brook Highland 21st Sector; thence turn an angle to the left of 23 deg. 58 min. 05 sec. and run in a Southwesterly direction along the Southeast line of Lots 2104, 2103 & 2102 in said Brook Highland 21st Sector for a distance of 401.74 feet to the Northeast corner of Lot 2101 in said Brook Highland 21st Sector; thence turn an angle to the right of 18 deg. 32 min. 00 sec. and run in a Southwesterly direction along the Southeast line of said Lot 2101 for a distance of 173.91 feet to the Northeast corner of Lot 2019 in Brook Highland 20th Sector, as recorded in Map Book 16 page 148 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 03 deg. 21 min. 03 sec. and run in a Southwesterly direction along the Southeast line of Lots 2019, 2018 & 2017 in said Brook Highland 20th Sector for a distance of 386.62 feet to the Northwest corner of Lot 1407 in Brook Highland 14th Sector, as recorded in Map Book 23 page 2 A & B in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of 136 deg. 38 min. 52 sec. and run in a Northeasterly direction along the Northwest line of said Lot 1407 for a distance of 180.00 feet to a point; thence turn an angle to the right of 81 deg. 00 min. 41 sec. and run in a Southeasterly direction along the Northeast line of said Lot 1407 for a distance of 430.37 feet to a point; thence turn an angle to the left of 35 deg. 26 min. 10 sec. and run in a Southeasterly direction along the Northeast line of said Lot 1407 for a distance of 253.71 feet to the Northwest corner of Lot 1408 in said Brook Highland 14th Sector; thence turn an angle to the left of 69 deg. 09 min. 12 sec. and run in a Northeasterly direction along the Northwest line of Lots 1408 & 1409 in said Brook Highland 14th Sector for a distance of 220.00 feet to a point; thence turn an angle to the right of 90 deg. 00 min. 00 sec. and run in a Southeasterly direction along the Northeast line of said Lot 1409 for a distance of 210.00 feet to a point on the Northwest right of way of Brook Highland Drive; thence turn an angle to the left of 90 deg. 00 min. 00 sec. and run in a Northeasterly direction along the Northwest line of said Brook Highland Drive for a distance of 225.14 feet to a point on a curve to the left, having a central angle of 04 deg. 09 min. 29 sec. and a radius of 1,402.40 feet; thence run in a Northeasterly direction along the arc of said curve and also along the Northwest right of way line of said Brook Highland Drive for a distance of 101.76 feet to the Southwest corner of Lot 1410 in said Brook Highland 14th Sector; thence turn an angle

to the left from the chord of last stated curve of 92 deg. 04 min. 44 sec. and run in a Northwesterly direction along the Southwest line of said Lot 1410 for a distance of 139.46 feet to the Northwest corner of said Lot 1410; thence turn an angle to the right of 76 deg. 43 min. 47 sec. and run in a Northeasterly direction along the Northwest line of Lots 1410, 1411 & 1412 in said Brook Highland 14th Sector for a distance of 320.75 feet to the Southwest corner of Lot 1413 in said Brook Highland 14th Sector; thence turn an angle to the left of 05 deg. 40 min. 09 sec. and run in a Northeasterly direction along the Northwest line of Lots 1413 through 1417 in said Brook Highland 14th Sector for a distance of 498.14 feet to the Northwest corner of Lot 1417; thence turn an angle to the right of 42 deg. 18 min. 35 sec. and run in a Northeasterly direction along the Northwest line of said Lot 1417 for a distance of 108.88 feet to a point; thence turn an angle to the right of 59 deg. 56 min. 07 sec. and run in a Southeasterly direction along the Northeast line of said Lot 1417 for a distance of 125.00 feet to a point on the Northwest right of way line of said Brook Highland Drive, said point being on a curve to the right, having a central angle of 10 deg. 32 min. 58 sec. and a radius of 848.51 feet; thence turn an angle to the left of 90 deg. 00 min. 00 sec. to the tangent of said curve and run in a Northeasterly direction along the Northwest line of said Brook Highland Drive and also along the arc of said curve for a distance of 156.23 feet to a point; thence run tangent to last stated curve in a Northeasterly direction along the Northwest right of way line of said Brook Highland Drive for a distance of 333.21 feet to a point on a curve to the right, having a central angle of 64 deg. 54 min. 52 sec. and a radius of 769.30 feet; thence run in a Northeasterly to Southeasterly direction along the arc of said curve and also along the Northwest right of way line of said Brook Highland Drive for a distance of 871.59 feet to the Southwest corner of Lot 815 in Brook Highland 8th Sector, 1st Phase, as recorded in Map Book 16 page 76 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left from the tangent of last stated curve of 90 deg. 00 min. 00 sec. and run in a Northeasterly direction along the Northwest line of said Lot 815 for a distance of 181.56 feet to the Northwest corner of said Lot 815; thence turn an angle to the right of 102 deg. 26 min. 57 sec. and run in a Southeasterly direction along the Northeast line of said Lot 815 for a distance of 82.63 feet to the Southwest corner of Lot 816 in said Brook Highland 8th Sector, 2nd Phase, as recorded in Map Book 16 page 96 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of 111 deg. 27 min. 54 sec. and run in a Northeasterly direction along the Northwest line of said Lot 816 for a distance of 282.16 feet to a point on a curve to the right, having a central angle of 07 deg. 03 min. 50 sec. and a radius of 549.62 feet; thence turn an angle to the right of 90 deg. 00 min. 00 sec. to the tangent of said curve and run in a Southeasterly direction along the arc of said curve for a distance of 67.76 feet to the Southwest corner of Lot 850 in said Brook Highland 8th Sector, 2nd Phase; thence turn an angle from the tangent of last stated curve to the left of 90 deg. 00 min. 00 sec. and run in a Northeasterly direction along the Northwest line of said Lot 850 for a distance of 173.88 feet to the Northwest corner of said Lot 850; thence turn an angle to the left of 95 deg. 48 min. 52 sec. and run in a Northwesterly direction along the Southwest line of Lot 849 in said Brook Highland 8th Sector, 2nd Phase for a distance of 25.00 feet to the Southwest corner of said Lot 849; thence turn an angle to the right of 90 deg. 10 min. 59 sec. and run in a Northeasterly direction along the Northwest line of Lots 849 & 848 in said Brook Highland 8th Sector, 2nd Phase, for a distance of 227.07 feet to the Southwest corner of Lot 847 in said Brook Highland 8th Sector, 2nd Phase; thence turn an angle to the right of 12 deg. 14 min. 04 sec. and run in a Northeasterly direction along the Northwest line of said Lot 847 and also along the Northwest line of Lot 926 in Brook Highland 9th Sector, as recorded in Map Book 17 page 63 in the Office of the Judge of Probate, Shelby County, for a distance of 349.48 feet to a point on the North line of said Section 29; thence turn an angle to the left of 118 deg. 53 min. 55 sec. and run in a Westerly direction along the North line of said Section 29 for a distance of 1,208.22 feet to the point of beginning; being situated in Shelby County, Alabama.

#### Parcel IV

A parcel of land situated in Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 30; thence run West along the North line of said 1/4 1/4 Section for a distance of 456.63 feet to the point of beginning; thence continue along last stated course for a distance of 973.32 feet to a point; thence turn an angle to the left of 69 deg. 23 min. 25 sec. and run in a Southwesterly direction for a distance of 2,027.66 feet to a point; thence turn an angle to the left of 53 deg. 30 min. 00 sec. and run in a Southeasterly direction for a

distance of 1,086.73 feet to the West-most corner of Lot 2029 in Brook Highland 20th Sector, as recorded in Map Book 16 page 148 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of 127 deg. 10 min. 18 sec. and run in a Northeasterly direction along the Northwest line of Lots 2029 through 2022 in said Brook Highland 20th Sector for a distance of 1,001.06 feet to a point; thence turn an angle to the right of 09 deg. 14 min. 20 sec. and run in a Northeasterly direction along the Northwest line of Lots 2022 through 2020 and also along the Northwest line of Lot 2131 in Brook Highland 21st Sector, as recorded in Map Book 18 page 52 A & B, in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 494.23 feet to the Southwest corner of Lot 2130 in said Brook Highland 21st Sector; thence turn an angle to the left of 25 deg. 56 min. 01 sec. and run in a Northeasterly direction along the Northwest line of Lots 2130 & 2129 in said Brook Highland 21st Sector for a distance of 256.00 feet to the Southwest corner of Lot 2128 in said Brook Highland 21st Sector; thence turn an angle to the right of 11 deg. 50 min. 17 sec. and run in a Northeasterly direction along the Northwest line of said Lot 2128 for a distance of 170.55 feet to the Southwest corner of Lot 2127 in said Brook Highland 21st Sector; thence turn an angle to the right of 10 deg. 45 min. 04 sec. and run in a Northeasterly direction along the Northwest line of Lot 2127 & 2126 in said Brook Highland 21st Sector for a distance of 293.78 feet to the Southwest corner of Lot 2125 in said Brook Highland 21st Sector; thence turn an angle to the right of 07 deg. 20 min. 40 sec. and run in a Northwesterly direction along the Northwest line of Lots 2125 through 2122 in said Brook Highland 21st Sector for a distance of 519.65 feet to the Southwest corner of Lot 2121 in said Brook Highland 21st Sector; thence turn an angle to the left of 22 deg. 49 min. 27 sec. and run in a Northeasterly direction along the Northwest line of Lots 2121 & 2120 in said Brook Highland 21st Sector for a distance of 267.35 feet to the Southwest corner of Lot 2119 in Brook Highland 21st Sector, Phase II, as recorded in Map Book 18 page 129 in the Office of the Judge of Probate of Shelby County, Alabama; thence turn an angle to the left of 15 deg. 11 min. 00 sec. and run in a Northwesterly direction along the Southwest line of said Lot 2119 for a distance of 55.43 feet to the point of beginning; being situated in Shelby County, Alabama.

## **EXHIBIT B**

1. General and special taxes or assessments for 1999 and subsequent years not yet due and payable.
2. Transmission Line Permits to Alabama Power Company as shown by instruments recorded in Deed Book 112 Pages 132 and 133 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office").
3. Rights-of-Way granted to Alabama Power Company by instruments recorded in Real 220 Pages 521 and 532 and Real 207 Page 380 in the Probate Office.
4. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Deed Book 121 Page 294; Deed Book 32 Page 48; Deed Book 111 Page 625; Real 178 Page 521 and Deed Book 235 Page 552 in the Probate Office.
5. Transfer of Royalty & Mineral Interest with Jerry F. Colwell by instrument recorded in Deed Book 327 Page 553 in the Probate Office.
6. Reciprocal Easement Agreement with Billy D. and Douglas D. Eddleman and AmSouth Bank, Trustee dated August 9, 1988 as set out in Real 199 Page 18 in the Probate Office.
7. Reciprocal Easement Agreement with Eddleman & Associates and AmSouth Bank as Trustee dated April 14, 1987 as set out in Real 125 Page 249 in the Probate Office.
8. Declaration of Protective Covenants dated July 11, 1988 as set out in Real 194 Page 54 in the Probate Office.
9. Deed and Bill of Sale to The Water Works & Sewer Board of the City of Birmingham dated July 12, 1988 as set out in Real 194 Page 43, and dated June 28, 1988 as set out in Real 194 Page 40 in the Probate Office.
10. Agreement concerning electric service dated February 5, 1988 as set out in Real 306 Page 119 in the Probate Office.
11. Brook Highland Common Property Declaration of Covenants, Conditions and Restrictions as set out in Real 307 Page 950 in the Probate Office.
12. Drainage Agreement between AmSouth Bank, Trustee and Eddleman & Associates dated April 14, 1987 as set out in Real 125 Page 238 in the Probate Office.

**EXHIBIT B (cont'd)**

13. Restrictive Agreements as set out in
  - (a) Real 220 Page 339, dated 12/30/88 to Stonebrook Development Company,
  - (b) Real 308 Page 1, dated 08/29/90 to JDN Enterprises, Inc.,
  - (c) Inst. #1992-14567, dated 07/20/92 to Brook Hills Baptist Church, Inc.,
  - (d) Inst. #1993-32511, dated 10/12/93 to Brook Highland, Ltd. Partnership,
  - (e) Inst. #1998-3085, dated 01/28/98 to The Church at Brook Hills.
14. Easement for sanitary sewer lines and water lines dated July 12, 1988 as set out in Real 194 Page 1 in the Probate Office.
15. Restrictive Covenants dated February 17, 1988 as set out in Real 181 Page 995 in the Probate Office.

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