

STATE OF ALABAMA )

SHELBY COUNTY )

**WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS**, that in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid to the undersigned Oxmoor II, Inc., a California corporation (the "Grantor") by Carl D. Panattoni, a married man as his sole and separate property ("Panattoni"), and John E. Van Valkenburgh, a married man as his sole and separate property ("Van Valkenburgh"), the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey the real estate situated in Shelby County, Alabama described on Exhibit A attached hereto and made a part hereof, less and except the real estate described on Exhibit B attached hereto and made a part hereof (the "Property"), as follows:

1. To Panattoni an undivided 36.0925% interest of the undivided 64.545% interest of the Grantor in and to the Property, together with all the rights, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, and

2. To Van Valkenburgh an undivided 28.4525% interest of the undivided 64.545% interest of the Grantor in and to the Property, together with all the rights, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

These conveyances are subject to:

1. All easements, restrictions and encumbrances of record.
2. Ad valorem taxes due and payable on October 1, 1999 and for all subsequent years.

**TO HAVE AND TO HOLD** to Panattoni and Van Valkenburgh and their respective heirs, administrators, executors, successors and assigns, forever.

And Grantor does for itself and its respective successors and assigns, covenant with Panattoni and Van Valkenburgh, and the respective heirs, administrators, executors, successors and assigns thereof, that the Grantor is lawfully seized in fee simple of the Property; that the Property is free from all encumbrances, unless otherwise noted above; that the Grantor has a good right to sell and convey the Property as aforesaid; that the Grantor will, and its successors and assigns will, warrant and defend the same to Panattoni and Van Valkenburgh, and the respective heirs, administrators, executors, successors and assigns thereof, forever, against the lawful claims of all persons except those claiming under the exceptions set forth above.

07/29/1999-31793 Brad\OxmoorII.wty ded.wpd  
01:56 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
015 MMS 44.50

Inst # 1999-31793

IN WITNESS WHEREOF the Grantor has caused this instrument to be executed in its name under seal and the same attested by officers thereof duly authorized thereunto on this 28th day of July, 1999.

OXMOOR II, INC.

By *Guido M. Stand*  
President

SEAL

Attest: *Guido M. Stand*  
Secretary

STATE OF CALIFORNIA )  
Sacramento COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Linda M. Stanley, whose name as President of Oxmoor II, Inc., 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 said 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 seal this the 28<sup>th</sup> day of July, 1999.

Stacy A. Harty  
Notary Public

NOTARIAL SEAL

My commission expires: 2/9/2001



This instrument prepared by:

✓ Heyward C. Hosch  
WALSTON, WELLS, ANDERSON & BAINS, LLP  
P. O. Box 830642  
Birmingham, Alabama 35283-0642  
Telephone: (205) 251-9600

Exhibit A

The property described on the attached pages numbered 1 to 4, inclusive, less and except the property described on Exhibit B.



PARCEL 1A

A parcel of land located in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of Section 31, Township 19 South, Range 2 West; thence run in a Westerly direction along the North line of said 1/4 section for a distance of 301.28 feet to the POINT OF BEGINNING; from the point of beginning thus obtained, thence turn a deflection angle to the left of  $51^{\circ}49'38''$  and run in a Southwesterly direction a distance of 524.87 feet to a point; thence turn an interior angle of  $195^{\circ}42'53''$  and run to the right in a Southwesterly direction a distance of 15.00 feet to a point; thence turn an interior angle of  $77^{\circ}49'02''$  and run to the left in a Southeasterly direction a distance of 195.60 feet to a point; thence turn an interior angle of  $193^{\circ}53'06''$  and run to the right in a Southeasterly direction a distance of 185.50 feet to a point; thence turn an interior angle of  $183^{\circ}06'00''$  and run to the right in a Southeasterly direction a distance of 201.40 feet to a point; thence turn an interior angle of  $183^{\circ}14'59''$  and run to the right in a Southeasterly direction a distance of 584.59 feet to a point; thence turn an interior angle of  $86^{\circ}27'28''$  and run to the left in a Northeasterly direction a distance of 406.08 feet to a point; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the left in a Northwesternly direction a distance of 60.00 feet to a point; thence turn an interior angle of  $268^{\circ}06'12''$  and run to the right in a Northeasterly direction a distance of 60.04 feet to a point; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the left in a Northwesternly direction a distance of 445.73 feet to a point; thence turn an interior angle of  $268^{\circ}06'12''$  and run to the right in a Northeasterly direction a distance of 517.09 feet to a point; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the left in a Northwesternly direction a distance of 624.14 feet along the Southeast boundary line of Block 1 of Cahaba Valley Park North to a point; thence turn an interior angle of  $119^{\circ}45'59''$  and run to the left along said boundary line of Block 1 in a westerly direction a distance of 571.50 feet to a point; thence turn an interior angle of  $89^{\circ}56'23''$  and run to the left in a Southerly direction a distance of 104.61 feet to the POINT OF BEGINNING. Said Parcel contains 22.6873 acres, more or less.

PARCEL 1B

A parcel of land located in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of Section 31, Township 19 South, Range 2 West; thence run in a Westerly direction along the North line of said 1/4 section for a distance of 301.28 feet to the POINT OF BEGINNING; from the point of beginning thus obtained, thence turn a deflection angle to the right of  $90^{\circ}00'00''$  and run in a Northeasterly direction a distance of 104.61 feet to a point; thence turn an interior angle of  $90^{\circ}03'37''$  and run to the left along the Southerly boundary line of Block 1 of Cahaba Valley Park North in a Westerly direction a distance of 548.79 feet to a point; thence turn an interior angle of  $86^{\circ}30'35''$  and run to the left in a Southerly direction a distance of 105.38 feet to a point on the North line of the Southwest 1/4 of said section; thence turn an interior angle of  $93^{\circ}25'48''$  and run to the left in an Easterly direction along said 1/4 line a distance of 542.49 feet to the POINT OF BEGINNING. Said parcel contains 1.3140 acres, more or less.

PARCEL 1C

A parcel of land located in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of Section 31, Township 19 South, Range 2 West, thence run in a Westerly direction along the North line of said 1/4 section for a distance of 301.28 feet to a point; thence turn a deflection angle to the left of  $51^{\circ}49'38''$  and run in a Southwesterly direction a distance of 524.87 feet to a point, thence turn a deflection angle to the right of  $15^{\circ}42'53''$  and run in a Southwesterly direction a distance of 15.00 feet to a point; thence turn a deflection angle to the left of  $102^{\circ}10'58''$  and run in a Southeasterly direction a distance of 195.60 feet to a point; thence turn a deflection angle to the right of  $13^{\circ}53'06''$  and run in a Southeasterly direction a distance of 185.50 feet to a point; thence turn a deflection angle to the right of  $3^{\circ}06'00''$  and run in a Southeasterly direction a distance of 201.40 feet to a point; thence turn a deflection angle to the right of  $3^{\circ}14'59''$  and run in a Southeasterly direction a distance of 584.59 feet to a point; thence turn a deflection angle to the left of  $93^{\circ}32'32''$  and run in a Northeasterly direction a distance of 466.12 feet to the POINT OF BEGINNING; from the point of beginning thus obtained, thence continue along last described course in a Northeasterly direction a distance of 517.09 feet to a point; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the left in a Northwesternly direction along the Southeasterly boundary of Cahaba Valley Park North a distance of 505.73 feet to a point; thence turn an interior angle of  $88^{\circ}06'12''$  and run to the left in a Southwesterly direction a distance of 517.09 feet to a point; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the left in a Southeasterly direction a distance of 505.73 feet to the POINT OF BEGINNING. Said parcel contains 6.00 acres, more or less.

Inet # 1994-31082

10/12/1994-31082  
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SHELBY COUNTY JUDGE OF PROBATE  
010 HCD 33.00



A parcel of land situated in the Southwest 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of said Southwest 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run in a Westerly direction along the North line of said 1/4 section a distance of 301.28 feet to the POINT OF BEGINNING of the herein described parcel; thence turn a deflection angle of  $50^{\circ}49'38''$  and run to the left in a Southwesterly direction a distance of 150.00 feet to a point; thence turn an interior angle of  $88^{\circ}49'39''$  and run to the right in a Northwesterly direction a distance of 186.00 feet to a point on the North line of said Southwest 1/4; thence turn an interior angle of  $39^{\circ}20'43''$  and run to the right in an Easterly direction along the North line of said Southwest 1/4 a distance of 236.55 feet to the POINT OF BEGINNING.

4

From Winslett



Exhibit B

The property described on the attached pages numbered 5 to 10, inclusive, is not part of the property described in Exhibit A.

Commence at the Northwest corner of the Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and run in an Easterly direction along the North line of said section a distance of 329.55 feet to a point, said point lying on the Southwesterly boundary line of Cahaba Valley Park North, as recorded in Map Book 13, Pages 140a and 140b, in the Office of the Judge of Probate of Shelby County, Alabama; thence turn a deflection angle of  $60^{\circ}17'38''$  to the right and run in a Southeasterly direction along said boundary line of Cahaba Valley Park North a distance of 841.51 feet to a point, being the POINT OF BEGINNING of the herein described parcel; thence continue along last described course in a Southeasterly direction a distance of 168.58 feet to a point; said point being an iron pin found at the Northeast corner of the real property described in Instrument No. 1994-08119 recorded in the Office of the Judge of Probate of Shelby County, Alabama; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the right in a Southwesterly direction on a line that is 250 feet, Northwest of the Northwesterly right of way of Alabama Highway #119 a distance of 517.09 feet to a point; thence turn an interior angle of  $88^{\circ}06'12''$  and run to the right in a Northwesterly direction a distance of 168.58 feet to a point; thence turn an interior angle of  $91^{\circ}53'48''$  and run to the right in a Northeasterly direction a distance of 517.09 feet to the POINT OF BEGINNING;

A parcel of land situated in the Northwest 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run in a Westerly direction along the South line of said Northwest 1/4 a distance of 711.77 feet to the POINT OF BEGINNING of the herein described parcel; thence continue in the same direction of the last described course, in a Westerly direction, a distance of 132.00 feet to a point; thence turn an interior angle of  $93^{\circ}25'28''$  and run to the right in a Northerly direction a distance of 105.38 feet to a point on the Southerly boundary of Cahaba Valley Park North as recorded in Map Book 13, Pages 140a and 140b; thence turn an interior angle of  $86^{\circ}30'35''$  and run to the right in an Easterly direction along the South line of said subdivision a distance of 133.58 feet to a point; thence turn an interior angle of  $92^{\circ}38'17''$  and run to the right in a Southerly direction a distance of 105.16 feet to the POINT OF BEGINNING.

EXHIBIT A

A parcel of land situated in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of the said Southwest quarter of said Section 31; thence run in a Westerly direction along the North line of said Southwest quarter for a distance of 301.28 feet to a point; thence turn a deflection angle to the left of  $51^{\circ}49'38''$  and run in a Southwesterly direction a distance of 180.00 feet to a point, said point being the point of beginning of the parcel herein described; thence turn a deflection angle to the left of  $57^{\circ}00'00''$  and run in a Southeasterly direction a distance of 395.80 feet to a point, said point being on the Northwest right-of-way of proposed and soon to be dedicated Southgate Drive; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right in a Southwesterly direction along said right-of-way a distance of 168.14 feet to a point, said point being the beginning of a curve to the right; thence run along the arc of said curve, having a central angle of  $60^{\circ}31'55''$  and a radius of 35.00 feet, in a Southwesterly to Westerly to Northwesterly direction a distance of 36.98 feet to a point, said point being a point on the East side of Allen Road, being a road of possible prescriptive right-of-way; thence continue tangent to last described curve in a Northwesterly direction and along Allen Road a distance of 213.33 feet to a point; thence turn an interior angle of  $77^{\circ}49'02''$  and run to the right in a Northeasterly direction a distance of 15.00 feet to a point, said point being a 1-inch crimped iron found; thence turn an interior angle of  $195^{\circ}42'53''$  and run to the left in a Northeasterly direction a distance of 344.87 feet to the point of beginning.



EXHIBIT A

A parcel of land situated in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows.

Parcel A

Commence at the Northwest corner of the Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and run in an Easterly direction along the North line of said Section a distance of 329.55 feet to a point said point lying on the Southwesterly boundary line of Cahaba Valley Park North, as recorded in Map Book 13, Pages 140a and 140b, in the Office of the Judge of Probate of Shelby County, Alabama; thence turn a deflection angle of 60 degrees 17' 38" to the right and run in a Southeasterly direction along said boundary line of Cahaba Valley Park North a distance of 1010.09 feet to a point, said point being an iron pin found at the Northeast corner of the real property that is described in Instrument Number 1994-08119 as recorded in the Office of the Judge of Probate of Shelby County, Alabama; thence turn a deflection angle of 88 degrees 06' 12" and run to the right in a Southwesterly direction on a line that is 250 feet Northwest of the Northwesterly right-of-way of Alabama Highway No. 119, a distance of 577.12 feet to a point, said point being the point of beginning of the parcel herein described; thence continue along last described course in a Southwesterly direction 406.06 feet to a point; thence turn an interior angle of 86 degrees 27' 28" and run to the right in a Northwesterly direction a distance of 135.00 feet to a point; thence turn an interior angle of 93 degrees 32' 32" and run to the right in a Northeasterly direction a distance of 402.20 feet to a point on the Southwesterly right-of-way of Southgate Drive, as recorded in M.B. 20, Page 96, Shelby Co., Probate Office; thence turn an interior angle of 88 degrees 06' 12" and run to the right, in a Southeasterly direction, along said right-of-way, a distance of 134.81 feet to the point of beginning.

8

Mexican  
Restaurant  
LHC

EXHIBIT "A"

A parcel of land situated in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the northwest corner of the southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and run in an easterly direction along the north line of said section a distance of 329.55 feet to a point, said point lying on the southwesterly boundary line of Cahaba Valley Park North, as recorded in Map Book 13, pages 140a and 140b, in the office of the Judge of Probate of Shelby County, Alabama; thence turn a deflection angle of 60 degrees 17 minutes 38 seconds to the right and run in a southeasterly direction along said boundary line of Cahaba Valley Park North a distance of 1010.09 feet to a point, said point being an iron pin found at the northeast corner of the real property that is described in Inst. #1994-08119 as recorded in the Probate Office of Shelby County, Alabama; thence turn a deflection angle of 88 degrees 06 minutes 12 seconds and run to the right in a southwesterly direction on a line that is 250 feet northwest of the northwesterly right of way lien of Alabama Highway #119, a distance of 983.20 feet to a point; thence turn a deflection angle to the right of 93 degrees 32 minutes 32 seconds and run in a northwesterly direction a distance of 135.00 feet to a point, said point being the point of beginning of the parcel herein described; thence continue along last described course in a northwesterly direction 144.20 feet to a point; thence turn an interior angle of 93 degrees 32 minutes 32 seconds and run to the right in a northeasterly direction a distance of 398.06 feet to a point, said point being on the southwesterly right of way line of Southgate Drive, as recorded in Map Book 20, Page 98, at the Office of the Judge of Probate of Shelby County, Alabama; thence turn an interior angle of 88 degrees 06 minutes 12 seconds and run to the right, in a southeasterly direction, along said right of way, a distance of 144.00 feet to a point; thence turn an interior angle of 91 degrees 53 minutes 48 seconds and run to the right, in a southwesterly direction a distance of 402.20 feet to the point of beginning.

Commence at the Northwest corner of the Southeast 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and run in Easterly direction along the North line of said Section a distance of 329.55 feet to a point, said point lying on the Southwesterly boundary line of Cahaba Valley Park North, as recorded in Map Book 13, Pages 140a and 140b, in the Office of the Judge of Probate of Shelby County, Alabama; thence turn a deflection angle of 60 degrees, 17 minutes, 38 seconds to the right and run in a Southeasterly direction along said boundary line of Cahaba Valley Park North a distance of 1010.09 feet to a point, said point being an iron pin found at the Northeast corner of the real property that is described in Inst. #1994-08119, as recorded in the Probate Office of Shelby County, Alabama; thence turn a deflection angle of 88 degrees, 06 minutes, 12 seconds and run to the right in a Southwesterly direction on a line that is 250 feet Northwest of the Northwesterly right of way line of Alabama Highway No. 119, a distance of 983.20 feet to a point, thence turn a deflection angle to the right of 93 degrees, 32 minutes, 32 seconds and run to the right in a Northwesterly direction a distance of 279.20 feet to a point, said point being the Point of Beginning of the parcel herein described; thence continue along last described course in a Northwesterly direction 110.21 feet to a point; thence turn an interior angle of 93 degrees, 32 minutes, 32 seconds and run to the right in a Northeasterly direction a distance of 394.89 feet to a point, said point being on the Southwesterly right of way line of Southgate Drive, as recorded in Map Book 20, Page 98, in the Office of the Judge of Probate of Shelby County; thence turn an interior angle of 88 degrees, 06 minutes, 12 seconds and run to the right in a Southeasterly direction along said right of way, a distance of 110.06 feet to a point; thence turn an interior angle of 91 degrees, 53 minutes, 48 seconds and run to the right in a Southwesterly direction a distance of 398.06 feet to the Point of Beginning.

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SHELBY COUNTY JUDGE OF PROBATE  
015 HHS  
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Inst # 1999-31793

This commitment is invalid unless the insuring Provisions and Schedules A and B are attached.

10

Nordness