

Send Tax Notice To:

River Ridge Retail Company, L.L.C.
2100 16th Avenue South, Suite 111
Birmingham, AL 35205
Attention: David L. Silverstein

STATE OF ALABAMA)

SHELBY COUNTY)

STATUTORY WARRANTY DEED

THIS IS A WARRANTY DEED executed and delivered this 9 of September, 1999 by **St. Vincent's Hospital**, an Alabama non-profit corporation (hereinafter referred to as the "Grantor"), to **River Ridge Retail Company, L.L.C.**, a Delaware limited liability company (hereinafter referred to as the "Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of Four Million Four Hundred Eighty Thousand and 00/100 Dollars (\$4,480,000.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, the Grantor does by these presents, grant, bargain, sell and convey unto the Grantee, River Ridge Retail Company, L.L.C., the real estate described on **Exhibit "A"** attached hereto and made a part hereof, situated in Shelby County, Alabama.

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 Permitted Encumbrances as set forth on **Exhibit "B"** attached hereto and made a part hereof.

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 Grantor, but not further or otherwise.

Inst # 1999-38032

09/10/1999-38032
10:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

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IN WITNESS WHEREOF, the Grantor has caused this Statutory Warranty Deed to be executed by CURTIS JAMES, its PRESIDENT - CEO, who is duly authorized hereunto, on this 9 of September, 1999.

ST. VINCENT'S HOSPITAL, an Alabama non-profit corporation

By: Curtis James
Its: PRESIDENT & CEO

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Curtis James, whose name as PRESIDENT & CEO **St. Vincent's Hospital**, an Alabama non-profit corporation, is signed to the foregoing Statutory Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Statutory Warranty Deed, he, in his capacity as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand this the 9th day of September, 1999.

Ann H. Gargarek
Notary Public
My Commission Expires: 4/19/01

THIS INSTRUMENT PREPARED BY:
Denise W. Killebrew, Esq.
Berkowitz, Lefkovits, Isom & Kushner
420 North 20th Street
SouthTrust Tower, Suite 1600
Birmingham, Alabama 35203

The consideration described in the Deed has been paid with the proceeds of a mortgage loan closed and recorded simultaneously herewith.

EXHIBIT "A"
Legal Description

1. PARCEL I:

Lot 1-A, according to St. Vincent's Resurvey, as recorded in Map Book 16, page 72, in the Probate Office of Shelby County, Alabama;

LESS AND EXCEPT THE FOLLOWING:

(a) A part of lot 1-A, ST. VINCENT'S RESURVEY as recorded in map book 16, page 72 in the office of the Probate Judge of Shelby County, Alabama being more particularly described as follows:

Begin at the Northern most corner of lot 1-A, St. Vincent's Resurvey, said point being the point of intersection of the Southwesterly right of way line of Old U.S. Highway No. 280 and the Southeasterly right of way line of Riverview Road: thence S 60°21'03" W along the Southeasterly right of way line of Riverview Road a distance of 63.27 feet to the P.C. (point of curve) of a curve to the left having a radius of 518.60 feet, a central angle of 18°32'30" and a chord bearing of S 51 ° 04'48" W; thence along the arc of said curve and the Southeasterly right of way line of Riverview Road a distance of 167.85 feet to the P.T. (Point of tangent) of said curve; thence tangent to said curve S 41°48'32" W along the Southeasterly right of way line of Riverview Road a distance of 90.08 feet to a point; thence S 49°38'03" E a distance of 430.37 feet to a point; thence N 40°21'57" E a distance of 305.60 feet to a point on the Southwesterly right of way line of Old U.S. Highway No. 280, said point lying on a curve to the right having a radius of 2342.00 feet, a central angle of 6°13'48" and a chord bearing of N 49°23'54" W; thence along the arc of said curve and the Southwesterly right of way line of Old U.S. Highway No. 280 a distance of 254.65 feet to the P.T. (Point of tangent) of said curve; thence tangent to said curve N 46°16'59" W along the Southwesterly right of way line of Old U.S. Highway No. 280 a distance of 121.08 feet to the point of beginning; being the same property as Proposed Lot 1 of River Ridge Plaza, according to the Subdivision Map of River Ridge Plaza to be recorded subsequent hereto, in the Office of the Judge of Probate of Shelby County, Alabama; and

(b) A part of Lot 1-A, St. Vincent's Resurvey as recorded in Map Book 16, page 72, in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Begin at the Southernmost corner of Lot 1A, St. Vincent's Resurvey and run North 45°35'58" East along the Southeasterly line of said Lot 1A a distance of 479.32 feet to a point; thence North 44°24' West a distance of 776.03 feet to a point; thence North 61°22'48" West a distance of 50.00 feet to a point; thence South 28°37'12" West a distance of 208.87 feet to a point on a curve to the right having a radius of 225.00 feet, a central angle of 29°44'54" and a chord bearing of South 56°08'49" West; thence on the

arc of said curve to the right in a Southwesterly direction a distance of 116.82 feet to the P.T. (point of tangent) of said curve; thence North $71^{\circ}01'16''$ East in the tangent to said curve a distance of 36.99 feet to the P.C. (point of curve) of a curve to the left having a radius of 275.00 feet, a central angle of $25^{\circ}25'39''$ and a chord bearing of South $58^{\circ}18'27''$ West; thence along the arc of said curve to the left in a Southwesterly direction a distance of 122.04 feet to a point; thence South $44^{\circ}24'23''$ East a distance of 826.51 feet to the POINT OF BEGINNING.

2. PARCEL II:

Commence at the Southeast corner of the Northeast one-quarter of the Northeast one-quarter of Section 35, Township 18 South, Range 2 West; thence run North along the East line of said quarter-quarter section line for a distance of 136.52 feet to an iron pin at the POINT OF BEGINNING, from the point of beginning thus obtained continue North along the East line of said quarter-quarter section line for a distance of 480.20 feet to an iron pin on the Southwesterly right-of-way line of Old Highway No. 280; thence turn an interior angle to the right of 117 degrees 33 minutes 10 seconds and run in a Northwesterly direction along the Southwesterly right-of-way line of Old Highway No. 280 for a distance of 257.30 feet to the point of commencement of a curve to the right, said curve having a central angle of 6 degrees 31 minutes 14 seconds and a radius of 2342.00 feet; thence run along the arc of said curve and the Southwesterly right-of-way line of old Highway No. 280 for a distance of 266.54 feet to an existing iron pin; thence turn an interior angle to the right from the tangent of last described course of 87 degrees 31 minutes 44 seconds and run in a Southwesterly direction for a distance of 313.45 feet to an existing iron pin; thence turn an interior angle to the right of 100 degrees 07 minutes 01 seconds and run in a Southeasterly direction for a distance of 704.23 feet to an existing iron pin; thence turn an interior angle to the right of 138 degrees 18 minutes 41 seconds and run in a Northeasterly direction for a distance of 95.51 feet to an existing iron pin and the POINT OF BEGINNING said property being situated in Shelby County, Alabama.

EXHIBIT "B"
Permitted Encumbrances

1. All taxes for the year 1999 and subsequent years, not yet due and payable.
2. 15 foot easement for drainage Westerly as shown by record map, Book 16, Page 38, in the Probate Office of Shelby County, Alabama.
3. 20 foot easement for drainage Southwesterly as shown by record map, Map Book 16, Page 38, in the Probate Office of Shelby County, Alabama.
4. 20 foot utility easement Westwardly as shown by record map, Map Book 16, Page 38, in the Probate Office of Shelby County, Alabama
5. Easement of undetermined width North and Northwest as shown by record map, Map Book 16, Page 38, in the Probate Office of Shelby County, Alabama.
6. 10 foot storm sewer easement as shown by record map, Map Book 16, Page 38 in the Probate Office of Shelby County, Alabama
7. Restrictions appearing of record in Misc. Record 9, page 513, and amended in Misc. Record 42, Page 428; Misc. Record 52, page 969; Real 238, Page 916; Real 271, Page 363 and Real 271, Page 380 and Sixth Amendment to and Restatement of Certain Provisions of Restrictive Covenants recorded as Instrument #1992-10301 all in the Probate Office of Shelby County, Alabama, as modified by Consent and Waiver recorded immediately prior hereto.
8. Utility easement as recorded in Real 105, Page 733, in the Probate Office of Shelby County, Alabama.
9. Mineral and mining rights and rights incident thereto, covenants, exceptions, reservations, and release of damages as set forth in Deed Book 335, Page 58, and in Deed Book 289 at Page 374 in the Probate Office of Shelby County, Alabama.
10. For so long as the adjacent parcel (to be defined as Lot 1 River Ridge Plaza in the Map of Subdivision to be recorded subsequent hereto) is owned by St. Vincent's Hospital, or any affiliate thereof, and is being used for a primary healthcare facility, the following activities on or uses of the Property shall be prohibited, which restriction shall be included in the deed and run with the land:
 - _____ hospital, retirement home, and extended care facilities;
 - _____ medical and dental laboratories;
 - _____ medical professional efforts or other medical facilities offering normal and customary medical care;
 - _____ medical clinics and treatment centers;

provided, however, that such prohibited activities and uses shall not include retail facilities for the retail sale of medically related products and services such as drug stores, eyewear shops, health food stores and spas and fitness centers.

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