

1
THIS INSTRUMENT PREPARED BY:
James J. Odom, Jr.
P.O. Box 11244
Birmingham, AL 35202-1244

SEND TAX NOTICE TO:
Susan and Lonnie G. Schein
1406 Sutherland Place
Homewood, AL 35209

STATE OF ALABAMA)

COUNTY OF SHELBY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT in consideration of Two Million One Hundred Seventy-two Thousand Two Hundred Forty-four and 50/100 Dollars (\$2,172,244.50) to the undersigned grantor, 3-M Developers, L.L.C., an Alabama limited liability company, in hand paid by Susan Schein and Lonnie G. Schein, the receipt whereof is hereby acknowledged, the said 3-M Developers, L.L.C., an Alabama limited liability company (referred to herein as "Grantor"), does by these presents, grant, bargain, sell and convey unto the said Susan Schein and Lonnie G. Schein (herein referred to as "Grantees"), as joint tenants with right of survivorship, the following described real estate, situated in Shelby County, Alabama, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION.

Title conveyed hereby is subject to: (1) Current ad valorem taxes; (2) the limitation that the Grantees are prohibited from constructing a gas station or a convenience store on the subject property; (3) Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 184, at Page 417, and Deed Book 126, at Page 292, in Probate Office, and as shown on the survey by R. C. Farmer dated October 21, 1999 (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 36, at Page 426, and Deed Book 23, at Page 525, in Probate Office; (5) All existing, future or potential common law or statutory rights of access between the right of way of I-65 and Deed Book 23, at Page 525, in Probate Office; (6) Easement(s) in the Easterly portion of subject property, granted to Colonial Pipe Line as shown by instrument recorded in Deed Book 268, at Page 458, and Deed Book 220, at Page 657, in the Probate Office, and as shown on the survey by R. C. Farmer dated October 21, 1999; (7) Grant of Easement Right of Way and Release of Right of Way Easement dated October 25, 1999, by and between 3-M Developers, LLC and Colonial Pipeline Company to be recorded, which vacates and voids easement in Deed Book 222, at Page 826, and Deed Book 268, at Page 811 in the Probate Office and as shown on the survey by R. C. Farmer dated October 21, 1999.

\$1,850,000.00 of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.

This conveyance is executed in accordance with the requirements of the Articles of Organization and Operating Agreement of Grantor, and the same have not been modified or amended.

10/28/1999-44338

08:15 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 HNS 336.00

Inst • 1999-44338

10:
Carada Title, Inc.
1900 Indian Lake Drive
Birmingham, AL 35244

Please Return To:
Cahaba Title, Inc.
1900 Indian Lake Drive
Birmingham, AL 35244

A parcel of land located in the NE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 24, Township 20 South, Range 3 West, and the SW 1/4 of the NW 1/4 of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SE corner of said Section 24; thence North 0 deg. 00 min. 43 sec. East along the East line of said Section 24, a distance of 3091.67 feet to the point of beginning, said point lying on the Westerly right of way line of Shelby County Highway #35 (right of way varies); thence leaving said right of way line, continue along last described course a distance of 122.36 feet; thence South 89 deg. 53 min. 22 sec. East a distance of 17.25 feet to a point lying on the Westerly right of way line of said Shelby County Highway #35; said point also lying on a curve to the left, having a radius of 1,183.24 feet and subtended by a chord which bears North 2 deg. 30 min. 43 sec. East a chord distance of 104.64 feet; thence along the arc of said curve and said right of way line a distance of 104.67 feet; thence leaving said right of way line North 89 deg. 31 min. 09 sec. West a distance of 728.73 feet; thence South 85 deg. 08 min. 35 sec. West a distance of 171.49 feet; thence South 78 deg. 53 min. 03 sec. West a distance of 69.31 feet to a point lying on the Easterly right of way line of US Highway #65 (right of way varies); thence South 30 deg. 27 min. 03 sec. East along said right of way line a distance of 418.49 feet; thence South 11 deg. 38 min. 24 sec. East along said right of way line a distance of 229.75 feet to its point of intersection with the northerly right of way line of Shelby County Highway #52 (right of way varies); thence South 64 deg. 41 min. 16 sec. East along said right of way line of Shelby County Highway #52 a distance of 357.18 feet; thence leaving said right of way line North 4 deg. 43 min. 16 sec. East a distance of 192.40 feet to a point on a curve to the left, having a radius of 200.0 feet, and is subtended by a chord which bears North 87 deg. 16 min. 35 sec. East a chord distance of 51.83 feet; thence along the arc of said curve a distance of 51.98 feet; thence North 79 deg. 49 min. 54 sec. East a distance of 31.05 feet to the beginning of a curve to the right, having a radius of 150.0 feet and is subtended by a chord which bears South 81 deg. 45 min. 32 sec. East a chord distance of 94.74 feet; thence along the arc of said curve a distance of 96.39 feet; thence South 63 deg. 21 min. 06 sec. East a distance of 59.72 feet to a point lying on the Westerly right of way line of aforesaid Shelby County Highway #35; thence North 26 deg. 38 min. 54 sec. East along said right of way line a distance of 41.93 feet; thence North 18 deg. 01 min. 40 sec. East along said right of way line a distance of 206.98 feet to the beginning of a curve to the left having a radius of 1,183.24 feet and is subtended by a chord which bears North 14 deg. 31 min. 46 sec. East a chord distance of 144.40; thence along the arc of said curve and said right of way line a distance of 144.49 feet to the point of beginning.

Exhibit A

TO HAVE AND TO HOLD to the said Grantees as joint tenants, with right of survivorship, their heirs and assigns forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one Grantee herein survives the other, the entire interest in fee simple shall pass to the surviving Grantee, and if one does not survive the other, then the heirs and assigns of the Grantees herein shall take as tenants in common.

And said Grantor does for itself, its successors and assigns, covenant with said Grantees, their heirs and assigns, that it is lawfully seized in fee simple of said premises; that the premises are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid; that it will, and its successors and assigns shall, warrant and defend the same to the said Grantees, their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on this the 25th day of October, 1999.

WITNESSES:

3-M DEVELOPERS, L.L.C., an Alabama limited liability company

By: Roy L. Martin
Roy L. Martin, as Manager

By: Jack A. McGuire
Jack A. McGuire, as Manager

By: Donald R. Murphy
Donald R. Murphy, as Manager

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Roy L. Martin, Jack A. McGuire, and Donald R. Murphy, whose names as Managers of 3-M Developers, L.L.C., an Alabama limited liability company, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they, as such Managers and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this 25th day of October, 1999.

[Signature]
Notary Public

My Commission Expires: 14 July 03

- 2 -

Inst # 1999-44338

10/28/1999-44338
08:15 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 HHS 336.00

Please Return To:

Cahaba Title, Inc.
1900 Indian Lake Drive
Birmingham, AL 35244