

#4, 785, 666⁰⁰

STATE OF ALABAMA)
COUNTY OF SHELBY)

After recording return to:

Andrew L. Campbell, Esquire
Andrews & Kurth, LLP
1717 Main Street, Suite 3700
Dallas, Texas 75201

STATUTORY WARRANTY DEED

THIS DEED made and entered into as of this the 30th day of June, 2000, by and between **MarRay-Concourse 800, Inc.**, an Alabama corporation, as Grantor, and **Great Oak, LLC**, a Delaware limited liability company, as Grantee.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash, and other good and valuable consideration, this day in hand paid by the Grantee to the Grantors, the receipt and sufficiency of which is hereby expressly acknowledged by the Grantor, the Grantor has this day given, granted, bargained, sold, conveyed, and confirmed, and does, by these presents, give, grant, bargain, sell, convey and confirm, unto the Grantee, its successors and assigns, the following described real estate situated in the County of Shelby, State of Alabama, to-wit:

PARCEL I

Lot 3-A, according to an Amendment to a Resurvey of an Amendment to The Concourse at Riverchase as recorded in Map Book 18, Page 13 in the Office of the Judge of Probate of Shelby County, Alabama.

PARCEL II

The beneficial interest in and to the non-exclusive easement set out in the Declaration of Easement, dated March 6, 1991, by Harbert Properties Corporation recorded in Real 332 page 637.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns, the above-described lot or parcel of real property together with any and all, singularly and severally, the rights, privileges, tenements, hereditaments, appurtenances and improvements thereunto belonging, or in any wise appertaining, in fee simple forever, subject, however, to the following:

- (a) General and special taxes or assessments for 2000 and subsequent years not yet due and payable;

07/05/2000-22111
10:19 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 NWS 4004.00

Inst # 2000-22111

Alabama Title

PARCEL I:

- (b) Building setback line of 35 feet reserved from Westerly and South lines of subject property as shown on the survey of the land prepared by W. Stewart Harkins, R.P.S. #18394 (Job No. 4452) of Harkins Surveying, Inc., last updated November 23, 1999, and as shown by Map Book 18 page 13.
- (c) Easement as shown by Map Book 18 page 13.
- (d) 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 127 page 140; Deed Book 269 page 577 and Deed Book 94 page 349 in Probate Office.
- (e) Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Business) recorded in Misc. Book 13, Page 50, as amended by Amendment No. 1 recorded in Misc. Book 15, Page 189, and as further amended by Amendment No. 2, recorded in Misc. Book 19, Page 633, except as modified deed recorded in Real Book 220 page 119, and as modified by Change of Use Agreement recorded in Real 207 page 548 in the Probate Office of Shelby County, Alabama.
- (f) Land Use Agreement dated April 26, 1977, between The Harbert-Equitable Joint Venture and Blue Cross and Blue Shield of Alabama, recorded in Misc. Book 19 beginning at page 690, and amended in Misc. Book 43 page 82 and Real 16 page 64 in Probate Office.
- (g) Agreement with Alabama Power Company regarding electric service recorded in Misc. Book 15 page 401 in Probate Office.
- (h) Easement to Alabama Power Company as shown by instrument recorded in Real 270 page 122 in Probate Office, as shown by survey of the land prepared by W. Stewart Harkins, R.P.S. #18394 (Job No. 4452) of Harkins Surveying, Inc., last updated November 23, 1999.
- (i) Right of Way granted to South Central Bell as shown by instrument recorded in Real 303 page 719 in Probate Office, as shown by survey of the land prepared by W. Stewart Harkins, R.P.S. #18394 (Job No. 4452) of Harkins Surveying, Inc., last updated November 23, 1999.
- (j) Rights of tenant(s) under unrecorded lease(s) as evidenced by Memorandum of Lease by and between MarRay-Concourse 800, Inc. and TV Alabama, Inc., dated May 16, 1996 and recorded as Inst. #1996-29892 in Probate Office.

PARCEL II:

- (k) The non-beneficial terms and provisions, duties, and covenants, set out in the Declaration of Easement dated March 6, 1991, by Harbert Properties Corporation, and recorded in Real 332 page 637 in the Probate Office, Shelby County, Alabama.

- (l) Easements as shown by Map Book 18 page 13.
- (m) 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 127 page 140; Deed Book 269 page 577 and Deed Book 94 page 349 in Probate Office.
- (n) Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Business) recorded in Misc. Book 13, Page 50, as amended by Amendment No. 1 recorded in Misc. Book 15, Page 189, and as further amended by Amendment No. 2, recorded in Misc. Book 19, Page 633, except as modified deed recorded in Real Book 220 page 119, and as modified by Change of Use Agreement recorded in Real 207 page 548 and Real 207 page 551 in the Probate Office of Shelby County, Alabama.
- (o) Land Use Agreement dated April 26, 1977, between The Harbert-Equitable Joint Venture and Blue Cross and Blue Shield of Alabama, recorded in Misc. Book 19 beginning at page 690, and amended in Misc. Book 43 page 82 and Real 16 page 64 in Probate Office.
- (p) Agreement with Alabama Power Company regarding electric service recorded in Misc. Book 15, Page 401 in Probate Office.
- (q) Easement to Alabama Power Company as shown by instrument recorded in Real 270 page 122 and Deed Book 349 page 998 in Probate Office.
- (s) Right of Way granted to South Central Bell as shown by instrument recorded in Real 303 page 719 in Probate Office.

All recording references herein are to records in the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, that the undersigned representatives of MarRay-Concourse 800, Inc., an Alabama corporation, have set their hands and seals as of this the _____ day of _____, 2000.

MARRAY-CONCOURSE 800, INC.,
an Alabama corporation,

By: [Signature]
Name: Alan C. Fuller
Its: Authorized Agent

ATTEST:

[Signature]
Its: BRENDA J. HARRIS
Assistant Corporate Secretary

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Alan C. Fuller, as authorized agent of MarRay-Concourse 800, Inc., an Alabama corporation, who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing conveyance he, as authorized agent of MarRay-Concourse 800, Inc., an Alabama corporation, and with full authority, executed the same voluntarily as of the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 28th day of June, 2000.

[Signature]
Notary Public
My Commission Expires: 1/3/02

THIS INSTRUMENT WAS PREPARED BY: S. PERRY GIVEN, JR. OF HARBERT MANAGEMENT CORPORATION, ONE RIVERCHASE PARKWAY SOUTH, BIRMINGHAM, ALABAMA 35244, TELEPHONE 205/987-5677.

Inst # 2000-22111

07/05/2000-22111
10:19 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 HNS 4804.00