

#432,62480

This instrument prepared by and,
upon recording, return to:

Gwen L. Windle
Haskell Slaughter Young & Rediker, L.L.C.
1200 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203-2618

STATE OF ALABAMA)
 :
SHELBY COUNTY)

Inst # 2002-10433

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of One Hundred Dollars (\$100.00) and other good and valuable consideration, paid in hand to THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF PELHAM, a public corporation and instrumentality under the laws of the State of Alabama (herein called the "Grantor"), by Eugene Wilkerson (herein called the "Grantee"), the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, the real property described in Exhibit A attached hereto and made a part hereof, together with all improvements thereon, situated in Shelby County, Alabama.

Subject to the matters set forth in Exhibit B attached hereto.

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

And the Grantor does for itself, its successors and assigns, covenant with the Grantee, its successors and assigns, (i) that the above-described real property is free and clear from all encumbrances whatsoever created by, from, through or under the Grantor (except those encumbrances to the creation of which the Grantee, its predecessors or any tenant holding the same thereunder has consented and those encumbrances resulting from the failure of the Grantee or its

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SHELBY COUNTY JUDGE OF PROBATE
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predecessors to perform or observe any of the agreements or covenants on the part of the Grantee or its predecessors contained in that certain Lease Agreement between the Grantor and Grantee, dated as of December 17, 1993, and recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument#1994-1495 et seq.) and (ii) that the Grantor will forever warrant and defend the same, with the appurtenances thereunto belonging, unto the Grantees, their successors and assigns, against all lawful claims of all persons claiming by, through or under the Grantor except as hereinabove stated.

IN WITNESS WHEREOF, the Grantor has caused this conveyance to be executed in its name and behalf, has caused its corporate seal to be hereunto affixed, and has caused this conveyance to be attested, all by its duly authorized officers, on the ____ day of _____, 2002.

THE INDUSTRIAL DEVELOPMENT BOARD
OF THE CITY OF PELHAM

By 
Chairman of its Board of Directors

ATTEST:


Its Secretary

[S E A L]

STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Tellman Everson, whose name as Chairman of the Board of Directors of THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF PELHAM, a public corporation and instrumentality under the laws of the State of Alabama, 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said public corporation.

GIVEN under my hand and seal, this 27 day of Feb, 2002.

[NOTARIAL SEAL]

Louise Bass
Notary Public

My Commission Expires: **MY COMMISSION EXPIRES**
NOVEMBER 28, 2004

EXHIBIT A
LEGAL DESCRIPTION

Part of Block 4 of Cahaba Valley Park North, as recorded in Map Book 13, page 140, in the Probate Office of Shelby County, Alabama, situated in the North $\frac{1}{4}$ of Section 31, Township 19 South, Range 2 West, and being more particularly described as follows:

Begin at the Northwest corner of Lot 0-14A, Block 4, of Cahaba Valley Business Park, as recorded in Map Book 17, page 23, in the Probate Office of Shelby County, Alabama, said point being on the East right of way line of Cahaba Valley Parkway and also being the Southwest corner of the property herein described; thence run North along the East line of said Cahaba Valley Parkway for 64.32 feet to the beginning of a curve to the right, said curve subtending a central angle of $89^{\circ}09'21''$ and having a radius of 223.71 feet; thence run Northeasterly along the arc of said curve and along said right of way line for 348.10 feet to the end of said curve; thence at tangent to said curve run Easterly along the South right of way line of said Cahaba Valley Parkway for 374.68 feet to a point at the intersection of the Westerly right of way line of Cahaba Valley Circle, said point being at the beginning of a curve to the right, said curve subtending a central angle of $90^{\circ}00'00''$ and having a radius of 50.00 feet; thence run Southeasterly along the arc of said curve and along said Westerly right of way line of Cahaba Valley Circle for 78.54 feet to the end of said curve; thence at tangent to said curve run South along the West right of way line of said Cahaba Valley Circle for 200.00 feet to the Northeast corner of said Lot 0-14A, Block 4, Cahaba Valley Business Park; thence $90^{\circ}00'00''$ right and run West along the North property line of said Lot 0-14A and along the centerline of a 30 foot wide drainage easement for 378.84 feet to a point; thence $07^{\circ}18'59''$ left and continue along said North property line of Lot 0-14A and along the centerline of said easement for 272.69 feet to the point of beginning.

Together with and subject to the beneficial interest of an exclusive perpetual easement for truck turnarounds as set forth and described in Instrument #1996-01382.

EXHIBIT B

2. Taxes due in the year of 2002, a lien, but not yet payable.
Parcel #58-10-9-31-2-001-001.001
3. Building set back line of 35 feet reserved from all sides as shown by survey of Joseph A. Miller, Jr. dated March 19, 1993 as referred to in deed recorded in Instrument #1993-08127.
4. Public utility easements of 30 feet on the easterly side and 15 feet on the southerly side of subject property as shown by survey of Joseph A. Miller dated March 19, 1993 as referred to in Instrument #1993-08127 and as shown on Map Book 17, page 23.
5. Transmission line permit in favor of Alabama Power Company recorded in Real Book 292, page 618.
6. Right of way and easement in favor of Alabama Power Company recorded in Instrument #1994-11881.
7. Subject to terms of perpetual easement for truck turnaround as set forth in Instrument #1996-01382.
8. Declaration of Protective Covenants for Cahaba Valley Park North recorded in Real Book 268, page 140 and which have been amended from time to time as parcels are sold, the same being amended by:
 - a) Declaration of Protective Covenants in connection with sale to Taco Bell recorded in Real Property Volume 325, page 020.
 - b) Restrictive Covenants in connection with sale to Camps, Inc. as recorded in Real Volume 290, page 386.
 - c) Restrictive Covenants in connection with sale to Pelham Motel Investments, Inc. recorded in Instrument #1992-15856.
 - d) Restrictive Covenants in connection with sale to Baptist Medical Centers recorded in Instrument #1993-25691.
9. Coal, oil, gas and mineral and mining rights and all rights incident thereto including release of damages are not insured herein.

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