

This Instrument was prepared by:
Charles E. Brodsky
Attorney at Law
Five Birchwood Court
Princeton Junction, New Jersey 08550

Send Tax Notice to:
NOM Birmingham, Ltd.
46 Newton, Oldacre McDonald, LLC
250 Washington Street
Prattville, AL 36067

STATE OF ALABAMA)

SHELBY COUNTY)

STATUTORY WARRANTY DEED

6/19, 0/2. 29

Know All Men by These Presents: That in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration to the undersigned GRANTOR, **HARCO, INC.**, AN ALABAMA CORPORATION, in hand paid by **NOM BIRMINGHAM, LTD.**, AN ALABAMA LIMITED PARTNERSHIP, GRANTEE herein, the receipt of which is hereby acknowledged, GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEE the following described real estate, situated in SHELBY County, Alabama, to-wit:

See Exhibit A attached hereto and incorporated herein by reference.

SUBJECT TO:

1. ANY PRIOR RESERVATION OR CONVEYANCE, TOGETHER WITH RELEASE OF DAMAGES OF MINERALS OF EVERY KIND AND CHARACTER, INCLUDING, BUT NOT LIMITED TO GAS, OIL, SAND, AND GRAVEL IN, ON AND UNDER SUBJECT PROPERTY.
2. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2001 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2002.
3. TRANSMISSION LINE RIGHTS OF WAY TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENTS RECORDED IN DEED BOOK 129 PAGE 559 AND IN DEED BOOK 129, PAGE 560 IN PROBATE OFFICE.
4. RIGHT(S)-OF-WAY GRANTED TO SHELBY COUNTY BY INSTRUMENT(S) RECORDED IN DEED BOOK 177 PAGE 50, DEED BOOK 177 PAGE 51 AND DEED BOOK 216 PAGE 17 IN PROBATE OFFICE.
5. LESS AND EXCEPT ANY PART OF THE LAND LYING WITHIN ROAD RIGHT OF WAY.

03/20/2002-13155
10:47 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 CH 18.00

Inst # 2002-13155

Alabama Title

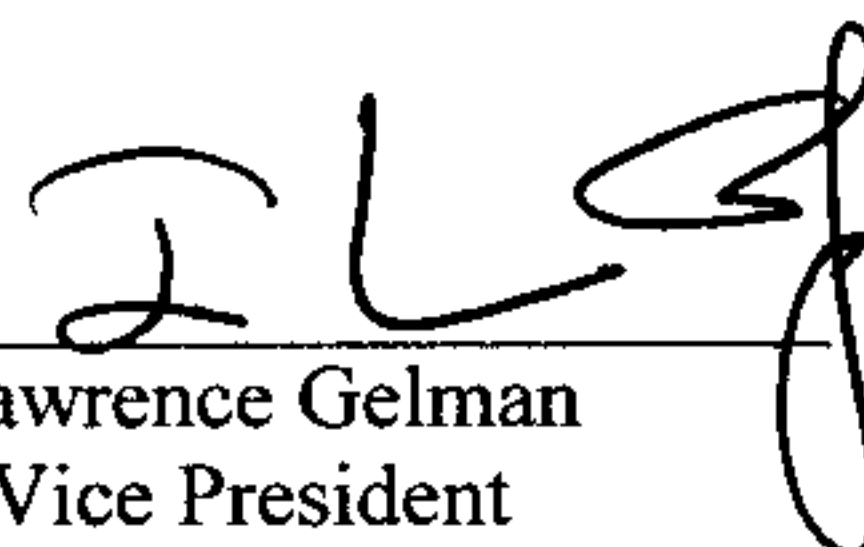
6. ANY AND ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY APPEARING OF RECORD AFFECTING THE ABOVE DESCRIBED PROPERTY.

AND THE SAID **GRANTOR** DECLARES THAT NO PORTION OF THE ABOVE DESCRIBED PROPERTY SHALL BE USED FOR THE SALE OF PRESCRIPTION DRUGS, ARTICLES REQUIRING THE PRESENCE OF A LICENSED PHARMACIST, OR HEALTH AND BEAUTY AIDS, OR FOR USE IN CONNECTION WITH THE USE OF ANY OTHER REAL PROPERTY ON WHICH PRESCRIPTION DRUGS, ARTICLES REQUIRING THE PRESENCE OF A LICENSED PHARMACIST OR HEALTH OR BEAUTY AIDS ARE SOLD; PROVIDED, HOWEVER, THAT THE FOREGOING PROHIBITION SHALL NOT BE EFFECTIVE AS TO **GRANTOR** OR ANY PARENT OR AFFILIATE OF **GRANTOR**.

To have and to hold the said **GRANTEE** forever.

IN WITNESS WHEREOF, the said **GRANTOR, HARCO, INC., AN ALABAMA CORPORATION**, by its duly authorized Vice President, has hereunto set its signature and seal, this the 5th day of March, 2002.

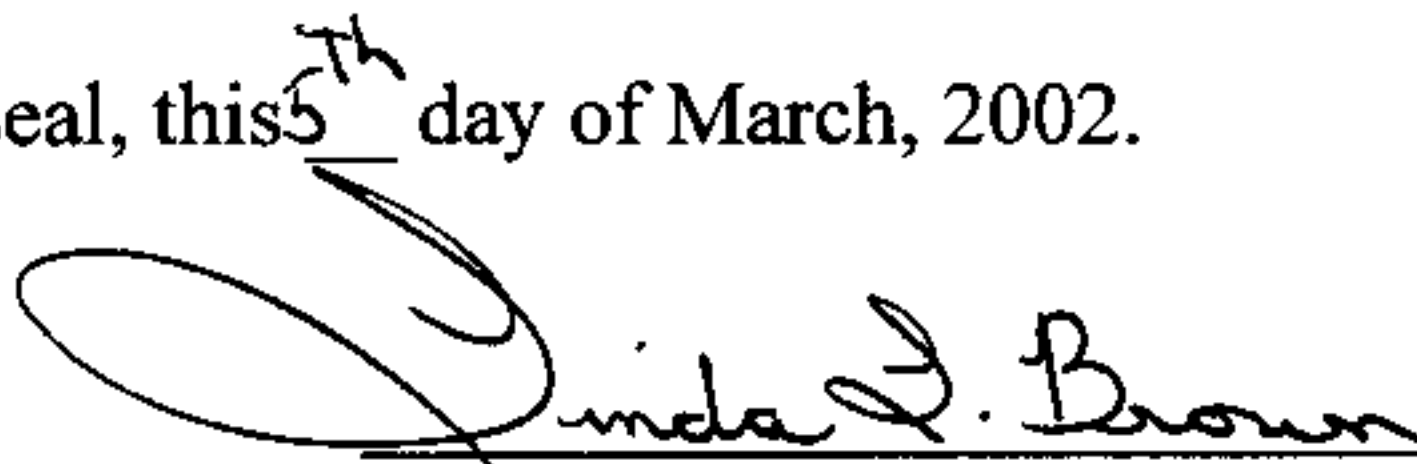
HARCO, INC.

By: 
I. Lawrence Gelman
Its: Vice President

COMMONWEALTH OF PENNSYLVANIA)
(SS:
COUNTY OF CUMBERLAND)

I, the undersigned notary public, in and for said county and state, hereby certify that I. Lawrence Gelman, whose name as Vice President of Harco, Inc., an Alabama corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, 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 5th day of March, 2002.


Linda L. Brown
Notary Public

My Commission Expires: _____

NOTARIAL SEAL
LINDA L. BROWN, NOTARY PUBLIC
EAST PENNSBORO TWP., CUMBERLAND COUNTY
MY COMMISSION EXPIRES JUNE 18, 2004

EXHIBIT "A"

Commence at the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 19 South, Range 2 West, and run S 90 deg. 00 min. 00 sec. E along the South line of said $\frac{1}{4}$ $\frac{1}{4}$ section for 254.03 feet to a point on the Easterly right of way line of Caldwell Mill Road and the Point of beginning of the tract of land herein described; thence run N 37 deg. 35 min. 31 sec. W along said right of way line for 50.11 feet; thence run N 12 deg. 09 min. 54 sec. E for 99.77 feet to a point on the Southerly right of way line of Valleydale Road and the point of beginning of a curve to the right having a radius of 781.30 feet; thence run along said curve and said right of way line a chord bearing of N 67 deg. 36 min. 33 sec. E for 213.37 feet; thence run S 13 deg. 58 min. 29 sec. E for 224.91 feet; thence run S 89 deg. 56 min. 42 sec. E for 49.01 feet; thence run S 52 deg. 46 min. 09 sec. W for 230.12 feet to a point on said easterly right of way line of Caldwell Mill Road; thence run N 37 deg. 35 min. 31 sec. W along said right of way line for 175.77 feet to the point of beginning; being situated in Shelby County, Alabama.

Inst # 2002-13155

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