

Send Tax Notice To:  
Home Depot U.S.A., Inc.  
2455 Paces Ferry Road, N.W.  
Building C, 20<sup>th</sup> Floor  
Atlanta, Georgia 30339-4024

STATE OF ALABAMA        )

SHELBY COUNTY            )

**STATUTORY WARRANTY DEED**

THIS IS A STATUTORY WARRANTY DEED executed and delivered this 20<sup>th</sup> day of March, 2002, by **SOUTHMARK PROPERTIES, L.L.C.**, an Alabama limited liability company and **INTERSTATE RESTAURANT INVESTORS, L.L.P.**, an Alabama limited liability partnership, collectively, d/b/a Highway 52 T.I.C.(hereinafter referred to as the "Grantors"), to **HOME DEPOT U.S.A., INC.**, a Delaware corporation (hereinafter collectively referred to as the "Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of Ten Dollars and other valuable consideration (\$10.00) Dollars in hand paid by Grantee to Grantors, the Grantors do by these presents, grant, bargain, sell and convey unto the Grantee, the real estate described in **Exhibit "A"** attached hereto and being situated in Shelby County, Alabama ("Property");

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 exceptions which are set forth on **Exhibit "B."**

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

The Grantors hereby covenants and agree with Grantee, its successors and assigns, that the Grantors, 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 # 2002-13465**

::ODMA\PCDOCS\DOCSBHM\953725\3

**03/21/2002-13465**  
**04:02 PM CERTIFIED**  
SHELBY COUNTY JUDGE OF PROBATE  
008 CH 4,235.00

IN WITNESS WHEREOF, the Grantors have caused this Statutory Warranty Deed to be executed on this 20<sup>th</sup> day March, 2002.

**GRANTORS:**

**SOUTHMARK PROPERTIES, L.L.C,**  
an Alabama limited liability company

By:

  
James A. Bruno, Manager

**INTERSTATE RESTAURANT INVESTORS,  
L.L.P.,** an Alabama limited liability partnership

By:

  
John McGeever, Partner

STATE OF ALABAMA}

JEFFERSON COUNTY}

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James A. Bruno whose name as Manager of Southmark Properties, L.L.C., an Alabama limited liability company, 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 said Deed, he as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

**GIVEN** under my hand and official seal this the 20<sup>th</sup> day of March, 2002.


  
Notary Public  
My Commission Expires: 10-27-2003

STATE OF ALABAMA}

JEFFERSON COUNTY}

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John McGeever, whose name as Partner of Interstate Restaurant Investors, L.L.P., an Alabama limited liability partnership, is signed to the foregoing Statutory Warranty Deed and who are known to me, acknowledged before me on this day that, being informed of the contents of said Deed, he, as such Partner and with full authority, executed the same voluntarily for and as the act of said limited liability partnership on the day the same bears date.

**GIVEN** under my hand and official seal this the 20<sup>th</sup> day March, 2002.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 10-27-2003

THIS INSTRUMENT PREPARED BY:

Steven A. Brickman, Esq.  
Sirote & Permutt, P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35205



## **EXHIBIT "A"**

### **HOME DEPOT PARCEL:**

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 512.45 feet to the existing easterly right of way of U. S. Highway # 31, said point being a point on a curve having a radius of 1,650.00 feet and a central angle of 6 deg. 55 min. 35 sec., said curve subtended by a chord bearing South 0 deg. 40 min. 15 sec. East and a chord distance of 199.34 feet; thence southerly along the arc and along said existing right of way a distance of 199.47 feet; thence South 73 deg. 16 min. 36 sec. East and leaving said existing right of way a distance of 8.07 feet to a point on the proposed easterly right of way of U. S. Highway # 31 and to the Point of Beginning; thence South 01 deg. 46 min. 13 sec. West along said proposed right of way a distance of 83.20 feet to its point of intersection with the existing easterly right of way of said U. S. Highway # 31; thence continue on last described course 76.99 feet; thence South 07 deg. 55 min. 06 sec. West along said proposed right of way a distance of 297.59 feet; thence South 37 deg. 48 min. 07 sec. East along said proposed right of way a distance of 5.45 feet to the intersection of said proposed Highway # 31 right of way and the existing northerly right of way of Shelby County Highway # 52; thence South 37 deg. 48 min. 07 sec. East and leaving said proposed Highway # 31 right of way and along said existing Highway # 52 right of way a distance of 95.02 feet to a point of a curve to the left having a radius of 703.94 feet and a central angle of 08 deg. 23 min. 52 sec. said curve subtended by a chord bearing South 42 deg. 00 min. 04 sec. East and a chord distance of 103.09 feet; thence southeasterly along the arc and along said existing right of way a distance of 103.18 feet to the intersection of said existing right of way and the proposed Shelby County Highway # 52 right of way; thence North 37 deg. 50 min. 51 sec. East along said proposed right of way and leaving existing right of way a distance of 25.46 feet to the beginning of a curve to the left having a central angle of 3 deg. 26 min. 06 sec., a radius of 800.00 and subtended by a chord which bears South 52 deg. 02 min. 51 sec. East a chord distance of 47.96 feet; thence along said curve and along said proposed ROW line a distance of 47.96 feet to the point of intersection of said proposed ROW line and the existing Northerly ROW line of said Shelby County Road # 52; thence leaving said proposed ROW line along said existing ROW line North 39 deg. 58 min. 50 sec. East a distance of 11.30 feet to the point of beginning of a curve to the left having a central angle of 8 deg. 17 min. 39 sec., a radius of 663.94 feet and subtended by a chord which bears South 54 deg. 09 min. 59 sec. East a chord distance of 96.03 feet; thence along said curve and along said existing ROW line a distance of 96.11 feet to the point of intersection of said existing ROW line and said proposed ROW line of Shelby County Road # 52, said point also being the beginning of a curve to the left having a central angle of 14 deg. 51 min. 13 sec., a radius of 800.00 feet and subtended by a chord which bears South 71 deg. 43 min. 30 sec. East a chord distance of 206.81 feet; thence along said curve and along said proposed ROW line and leaving said existing ROW line a distance of 207.39 feet to the end of said curve; thence South 79 deg. 09 min. 06 sec. East and continuing along said proposed ROW line a distance of 66.05 feet to a point of curve to the left having a central angle of 82 deg. 23 min. 52 sec. and a radius of 25.00 feet, said curve subtended by a chord bearing North 61 deg. 23 min. 59 sec. East and a chord distance of 32.93 feet; thence northeasterly along the arc and along said proposed right of way a distance of 35.95 feet to the intersection of said proposed right of way and the existing westerly right of way of Shelby County Highway # 33 also a point of curve to the left having a radius of 791.34 feet and a central angle of 03 deg. 14 min. 03 sec., said curve subtended by a chord bearing North 18 deg. 35 min. 02 sec. East and a chord distance of 44.66 feet; thence northerly along the arc and leaving said proposed Highway # 52 right of way and along said existing Highway # 33 right of way a distance of 44.67 feet; thence North 16 deg. 43 min. 24 sec. East along said existing right of way a distance of 667.69 feet to the intersection of said existing Highway # 33 right of way and the southerly right of way of proposed City of Pelham Street said point also a point of curve to the left having a radius of 45.00 feet and a central angle of 90 deg. 00 min. 00 sec. said curve subtended by a chord bearing North 28 deg. 16 min. 36 sec. West and a chord distance of 63.64 feet; thence northwesterly along the arc and leaving said existing Highway # 33 right of way and along said proposed right of way a distance of 70.69 feet; thence North 73 deg. 16 min. 36 sec. West along said proposed right of way a distance of 86.39 feet to a point of a curve to the left

having a radius of 450.00 feet and a central angle of 05 deg. 45 min. 09 sec. said curve subtended by a chord bearing North 76 deg. 09 min. 10 sec. West and a chord distance of 45.16 feet; thence westerly along the arc and along said proposed right of way a distance of 45.18 feet; thence North 79 deg. 01 min. 44 sec. West along said proposed right of way a distance of 405.96 feet; thence South 16 deg. 43 min. 24 sec. West and leaving said proposed right of way a distance of 163.83 feet; thence North 73 deg. 16 min. 36 sec. West a distance of 122.45 feet to the Point of Beginning; being situated in Shelby County, Alabama.

PARCEL "A":

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 326.28 feet to a point lying on the westerly right of way line of Shelby County Highway # 33 (80' ROW); thence South 12 deg. 43 min. 00 sec. West, along said right of way line a distance of 41.58 feet; thence South 14 deg. 35 min. 24 sec. West, along said right of way line a distance of 136.71 feet; thence South 14 deg. 26 min. 26 sec. West along said right of way line a distance of 134.61 feet; thence South 16 deg. 53 min. 24 sec. West, along said right of way line a distance of 11.59 feet; thence South 16 deg. 43 min. 24 sec. West, along said right of way line a distance of 732.85 feet to the beginning of a curve to the right having a radius of 791.34 feet, a central angle of 3 deg. 14 min. 03 sec. being subtended by a chord which bears South 18 deg. 35 min. 02 sec. West, a chord distance of 44.66 feet; thence along the arc of said curve a distance of 44.67 feet to the Point of Beginning; thence continue along arc of said curve through a central angle 7 deg. 49 min. 05 sec., a chord bearing South 24 deg. 06 min. 35 sec. West, a chord distance of 107.89 feet, along said right of way line a distance of 107.98 feet to the intersection of said right of way line and the northerly right of way line of Shelby County Highway # 52 (ROW varies); thence, leaving said right of way line of Shelby County Highway # 33 and along said right of way line of Shelby County Highway # 52, North 73 deg. 08 min. 32 sec. West, along said right of way line a distance of 66.81 feet; thence North 14 deg. 32 min. 22 sec. East, along said right of way line a distance of 59.90 feet; thence North 73 deg. 20 min. 32 sec. West, along said right of way line a distance of 49.43 feet to the beginning of a curve to the right having a radius of 663.94 feet, a central angle of 14 deg. 15 min. 11 sec., and subtended by a chord which bears North 65 deg. 26 min. 24 sec. West, a chord distance of 164.74 feet, and along said right of way line a distance of 165.16 feet to the beginning of a non-tangent curve to the left having a radius of 800.00 feet, a central angle of 14 deg. 51 min. 13 sec. and subtended by a chord which bears South 71 deg. 43 min. 30 sec. East, a chord distance of 206.81 feet; thence leaving said right of way line and along the arc of said curve a distance of 207.39 feet; thence South 79 deg. 09 min. 06 sec. East a distance of 66.05 feet to the beginning of a curve to the left having a radius of 25.00 feet, a central angle of 82 deg. 23 min. 52 sec., and subtended by a chord which bears North 61 deg. 23 min. 59 sec. East, a chord distance of 32.93 feet; thence along the arc of said curve a distance of 35.95 feet to the Point of Beginning; being situated in Shelby County, Alabama.



**PARCEL "C":**

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 326.28 feet to a point lying on the westerly right of way line of Shelby County Highway # 33 (80' ROW); thence South 12 deg. 43 min. 00 sec. West, along said right of way line a distance of 41.58 feet; thence South 14 deg. 35 min. 24 sec. West, along said right of way line a distance of 136.71 feet; thence South 14 deg. 26 min. 26 sec. West along said right of way line a distance of 134.61 feet; thence South 16 deg. 53 min. 24 sec. West, along said right of way line a distance of 11.59 feet; thence South 16 deg. 43 min. 24 sec. West, along said right of way line a distance of 732.85 feet to the beginning of a curve to the right having a radius of 791.34 feet, a central angle of 3 deg. 14 min. 03 sec. being subtended by a chord which bears South 18 deg. 35 min. 02 sec. West, a chord distance of 44.66 feet; thence along the arc of said curve and along said ROW line a distance of 44.67 feet; thence continue along arc of said curve through a central angle 7 deg. 49 min. 05 sec., a chord bearing South 24 deg. 06 min. 35 sec. West, a chord distance of 107.89 feet, along said right of way line a distance of 107.98 feet to the intersection of said right of way line and the northerly right of way line of Shelby County Highway # 52 (ROW varies); thence, leaving said right of way line of Shelby County Highway # 33 and along said right of way line of Shelby County Highway # 52, North 73 deg. 08 min. 32 sec. West, along said right of way line a distance of 66.81 feet; thence North 14 deg. 32 min. 22 sec. East, along said right of way line a distance of 59.90 feet; thence North 73 deg. 20 min. 32 sec. West, along said right of way line a distance of 49.43 feet to the beginning of a curve to the right having a radius of 663.94 feet, a central angle of 14 deg. 15 min. 11 sec., and subtended by a chord which bears North 65 deg. 26 min. 24 sec. West, a chord distance of 164.74 feet, thence along said right of way line a distance of 165.16 feet; thence continue along the arc of said curve through a central angle of 8 deg. 17 min. 39 sec., having a chord bearing of North 54 deg. 09 min. 59 sec. West, a chord distance of 96.03 feet; thence along the arc of said curve and along said right of way a distance of 96.11 feet; thence South 39 deg. 58 min. 50 sec. West, along said right of way line a distance of 11.30 feet to the Point of Beginning; thence continue along last described course, and along said right of way line a distance of 28.70 feet to beginning of a non-tangent curve to the right having a radius of 703.94 feet, a central angle of 3 deg. 49 min. 10 sec., and subtended by a chord which bears North 48 deg. 6 min. 35 sec. West, a chord distance of 46.92; thence along the arc of said curve and along said right of way line a distance of 46.93; thence, leaving said right of way line, North 37 deg. 50 min. 51 sec. East a distance of 25.46 feet to the beginning of a non-tangent curve to the left having a radius of 800.00 feet, a central angle of 3 deg. 26 min. 06 sec., and subtended by a chord which bears South 52 deg. 02 min. 51 sec. East, a chord distance of 47.96 feet; thence along the arc of said curve a distance of 47.96 feet to the Point of Beginning; being situated in Shelby County, Alabama.

**PARCEL "2B":**

Commence at the Northwest corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1,669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 512.45 feet to the existing Easterly right of way line of U. S. Highway # 31, said point also being a point on a curve to the right having a radius of 1,650.00 feet and a central angle of 6 deg. 55 min. 35 sec., said curve subtended by a chord bearing South 0 deg. 40 min. 15 sec. East and a chord distance of 199.34 feet; thence southerly along the arc and along existing ROW a distance of 199.47 feet to the Point of Beginning; thence South 73 deg. 16 min. 36 sec. East and leaving said existing ROW line a distance of 8.07 feet to a point lying on the proposed Easterly ROW line of U. S. Highway # 31; thence South 1 deg. 46 min. 13 sec. West along said proposed ROW line a distance of 83.20 feet to its point of intersection with the existing Easterly ROW line of said U. S. Highway # 31; thence North 84 deg. 16 min. 16 sec. West and leaving said proposed ROW line along said existing ROW line a distance of 11.53 feet to the point of beginning of a curve to the left having a central angle of 2 deg. 56 min. 11 sec., a radius of 1,650.00 feet and subtended by a chord which bears North 1 deg. 42 min. 14 sec. East a chord distance of 84.55 feet;

thence along said curve and said ROW line a distance of 84.56 feet to the Point of Beginning; being situated in Shelby County, Alabama.

**NON EXCLUSIVE SEWER EASEMENT:**

Beneficial rights in and to the use of the Non-Exclusive Sewer Easement as set out by in Inst. # 2001-51592, described as follows:

**10 FOOT WIDE EASEMENT FOR SANITARY SEWER**

Commence at NW corner of Section 24, Township 20 South, Range 3 West; thence South 87 deg. 46 min. East along the north boundary line of said Section 24, a distance of 1,669.02 feet; thence South 18 deg. 40 min. West a distance of 190.46 feet; thence South 11 deg. 40 min. West a distance of 369.40 feet; thence North 81 deg. 15 min. East a distance of 37.50 feet; thence South 14 deg. 37 min. West a distance of 75.00 feet; thence South 81 deg. 15 min. West a distance of 37.50 feet; thence South 11 deg. 40 min. West a distance of 209.87 feet; thence South 80 deg. 31 min. 44 sec. East a distance of 407.51 feet (408.47 map) to a point lying on the easterly right of way line of Shelby County Highway # 33 (80 foot ROW); thence North 17 deg. 05 min. 00 sec. East along said ROW line a distance of 13.45 feet (map); thence North 14 deg. 33 min. 59 sec. East and continuing along said ROW line a distance of 126.39 feet to the Point of Beginning; thence continue along last described course and along said ROW line a distance of 10.04 feet; thence South 69 deg. 55 min. 30 sec. East and leaving said ROW line a distance of 369.19 feet; thence South 20 deg. 06 min. 24 sec. West a distance of 10.00 feet; thence North 69 deg. 55 min. 30 sec. West a distance of 368.25 feet to the Point of Beginning; being situated in Shelby County, Alabama.

## EXHIBIT "B"

### PERMITTED ENCUMBRANCES FOR THE PROPERTY

1. General and special taxes or assessments for 2002 and subsequent years, not yet due and payable;
2. Transmission Line Permit to Alabama Power Co. recorded in Deed Book 126, Page 289; Deed Book 126, Page 291 and Deed Book 170, Page 287 as affected by the Disclaimer dated February 28, 2002 by Alabama Power Co. and recorded in Instrument #2002-10913;
3. Easement to the City of Pelham recorded in Inst. #1994-5303;
4. Non-beneficial terms, conditions and limitations as set out in Reciprocal Easement and Operation Agreement dated March 20<sup>th</sup>, 2002 and recorded in Instrument #2002 - 13458.
5. License Agreement dated March 20<sup>th</sup>, 2001 between Seller and Connie W. Standifer.
6. Non-beneficial terms and conditions, and rights of others to use thereof, contained in the Sanitary Sewer Easement by and between Johnny A. Busby and Interstate Restaurant Investors, LLP and Southmark Properties, LLC dated November 21, 2001 and recorded by Inst. #2001-51592 in the Probate Office.
7. Non-beneficial terms, conditions, and limitations as set out in Easement Agreement dated March 20<sup>th</sup>, 2002 by and between Southmark Properties, LLC and Interstate Restaurant Investors, LLP and Home Depot U.S.A., Inc. as set out in Inst. #2002-13466 in the Probate Office.
8. Non-beneficial terms and provisions of the Development Agreement dated March 20, 2002 by and between Southmark Properties, LLC and Interstate Restaurant Investors, LLP and Home Depot U.S.A., Inc. and First American Title Insurance Company, by and through its agent Cahaba Title, Inc.(Escrow Agent) as commemorated by the Memorandum and Agreement dated March 20, 2002 and recorded in Inst. # 2002-13467 in the Probate Office.

Inst # 2002-13465

03/21/2002-13465

8 04:02 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
008 CH 12035.00