



Record in Shelby County

SEND TAX NOTICES TO:
BIRMINGHAM BAY, L.P.
3033 Mercy Drive, Suite A
Orlando, Florida, 32808

STATUTORY WARRANTY DEED

STATE OF ALABAMA
COUNTY OF SHELBY

*\$518,000
pd by m/14*

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, **EES JOINT VENTURE, an Alabama General Partnership** (herein referred to as "Grantor"), hereby grants, bargains, sells, and conveys unto **BIRMINGHAM BAY LIMITED PARTNERSHIP, A Florida Limited Partnership doing business in Alabama as BIRMINGHAM BAY, L.P.** (herein referred to as "Grantee"), the real estate situated in Shelby County, Alabama, and described on Exhibit "A" attached hereto.

[A portion of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.]

[This property does not constitute the homestead of Grantor nor of Grantor spouse.]

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

AND THE GRANTOR will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of Grantor and all others claiming by or under Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the 2 day of May, 2003.

EES JOINT VENTURE, an Alabama General Partnership

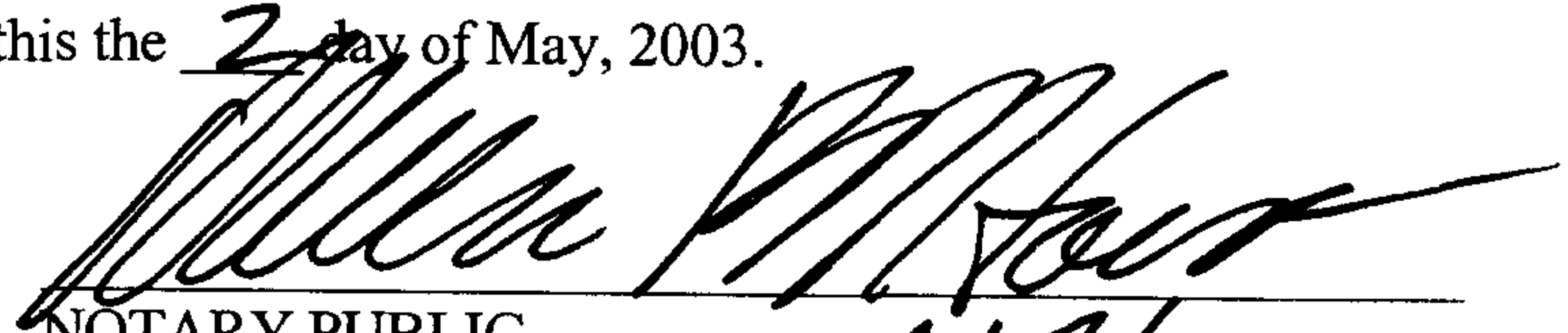
BY: EES DEVELOPMENT CORP
(Its Managing Partner)

BY *[Signature]*
(Its President)

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mark Eason, whose name as President of EES DEVELOPMENT CORP, a corporation, as managing partner of EES JOINT VENTURE, an Alabama General Partnership, 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 said instrument, he, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in its capacity as managing partner as aforesaid.

Given under my hand and official seal, this the 2 day of May, 2003.



NOTARY PUBLIC
My Commission Expires: 6/7/03

THIS INSTRUMENT PREPARED BY AND AFTER
RECORDATION SHOULD BE RETURNED TO:

William B. Hairston III
Engel, Hairston, & Johanson P.C.
P.O. Box 370027
Birmingham, AL 35237
(205) 328-4600

EXHIBIT "A"
TO
WARRANTY DEED
AFFIDAVIT AND INDEMNITY
NON-FOREIGN AFFIDAVIT

Grantor: EES JOINT VENTURE, an Alabama General Partnership

Grantee: BIRMINGHAM BAY LIMITED PARTNERSHIP, A Florida Limited Partnership doing business in Alabama as BIRMINGHAM BAY, L.P.

Lot 6-B, of Southpark Resurvey of Lots 6A & 7A, as recorded in Map Book 30, page 141, in Shelby County, City of Hoover, Alabama.

SUBJECT TO: i) taxes and assessments for the year 2003, a lien but not yet payable; ii) title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to person or property as a result of the exercise of such rights as recorded in Deed Book 127, page 140; iii) easement agreement between Western Electric Company Incorporated and the Harbert Equitable Joint Venture recorded in Book 267, page 420; iv) agreement between the Harbert Equitable Joint Venture and Sunlink Corporation as recorded under Instrument 1996-0745; v) agreement between the Harbert Equitable Joint Venture and EES Joint Venture as recorded under Instrument 1996-0744; vi) easement and building line as shown on recorded map; vii) rights reserved by Sunlink Corporation as set forth in deed recorded in Real Volume 285, page 203; viii) restrictions appearing of record in Misc. Book 13, page 50 and amended in Misc Book 15, page 189, Misc Book 19, page 633 and Instrument 1997-22108; ix) transmission line permit to Alabama Power Company as recorded in Deed Book 101, page 523, Deed Book 139, page 157, Deed Book 219, page 586, Deed Book 251, page 886, Deed Book 292, page 356 and Deed Book 319, page 40; and x) agreement with Alabama Power Company as recorded in Misc Book 15, page 401.