

17.00

**THIS INSTRUMENT PREPARED BY:**

Thomas C. Clark III, Esq.  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203

**SEND TAX NOTICE TO:**

McKibbon Brothers, Inc..  
402 Washington Street, Suite 200  
Gainesville, Georgia 30501  
Attn: David J. Hughs

STATE OF ALABAMA )  
SHELBY COUNTY )

  
20040517000260800 Pg 1/3 717.00  
Shelby Cnty Judge of Probate, AL  
05/17/2004 15:17:00 FILED/CERTIFIED

**GENERAL WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS** that, for and in consideration of the sum of Seven Hundred Thousand and no/100 Dollars (\$700,000.00) and other good and valuable consideration in hand paid by **McKibbon Brothers, Inc.**, a Georgia corporation (the "Grantee"), to **McKibbon Hotel Group of Birmingham, Alabama, L.P.**, a Georgia limited partnership (the "Grantor"), receipt whereof is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee that certain real property lying and being situated in Shelby County, Alabama as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

**TO HAVE AND TO HOLD** unto the Grantee, and the Grantee's successors and assigns, forever.

It is expressly understood and agreed that this General Warranty Deed is made subject to the following (the "Exceptions"):

1. Ad Valorem taxes for the current tax year.
2. Mineral and mining rights not owned by the Grantor.
3. Any applicable zoning ordinances.
4. Easements, rights-of-way, reservations, agreements, restrictions, and setback lines of record.
5. Restrictions set forth in that certain Statutory Warranty Deed dated November 25, 2003, from Metropolitan Life Insurance Company to Grantor.

And the Grantor, for the Grantor, and its successors and assigns, covenants with the Grantee, and its successors and assigns, that the Grantor is lawfully seized in fee simple of the Property; that the Property is free from all encumbrances except for the Exceptions; that the Grantor has a good right to sell and convey the same as aforesaid; that the Grantor, and its successors and assigns, shall warrant and defend the same to the Grantee, and its successors and assigns, forever against the lawful claims and demands of all persons other than persons claiming under the Exceptions.

IN WITNESS WHEREOF, the undersigned Grantor has executed this General Warranty Deed on the 11<sup>th</sup> day of May, 2004.

WITNESS:

Dennis W. Johnson  
David J. Hughs

**McKibbon Hotel Group of Birmingham,  
Alabama, L.P., a Georgia limited partnership**

By: McKibbon Hotel Group, Inc., a Georgia corporation, its sole general partner

By: David J. Hughs  
David J. Hughs, as President

STATE OF ALABAMA <sup>Georgia</sup> M<sup>th</sup>  
COUNTY OF Hall )  
 )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that David J. Hughs, whose name as President of McKibbon Hotel Group, Inc., a Georgia corporation, in its capacity as the sole general partner of McKibbon Hotel Group of Birmingham, Alabama, L.P., a Georgia limited 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 for and as the act of said corporation, in its capacity as sole general partner of said limited partnership.

Given under my hand and official seal this the 11<sup>th</sup> day of May, 2004.

AFFIX SEAL

My commission expires: \_\_\_\_\_

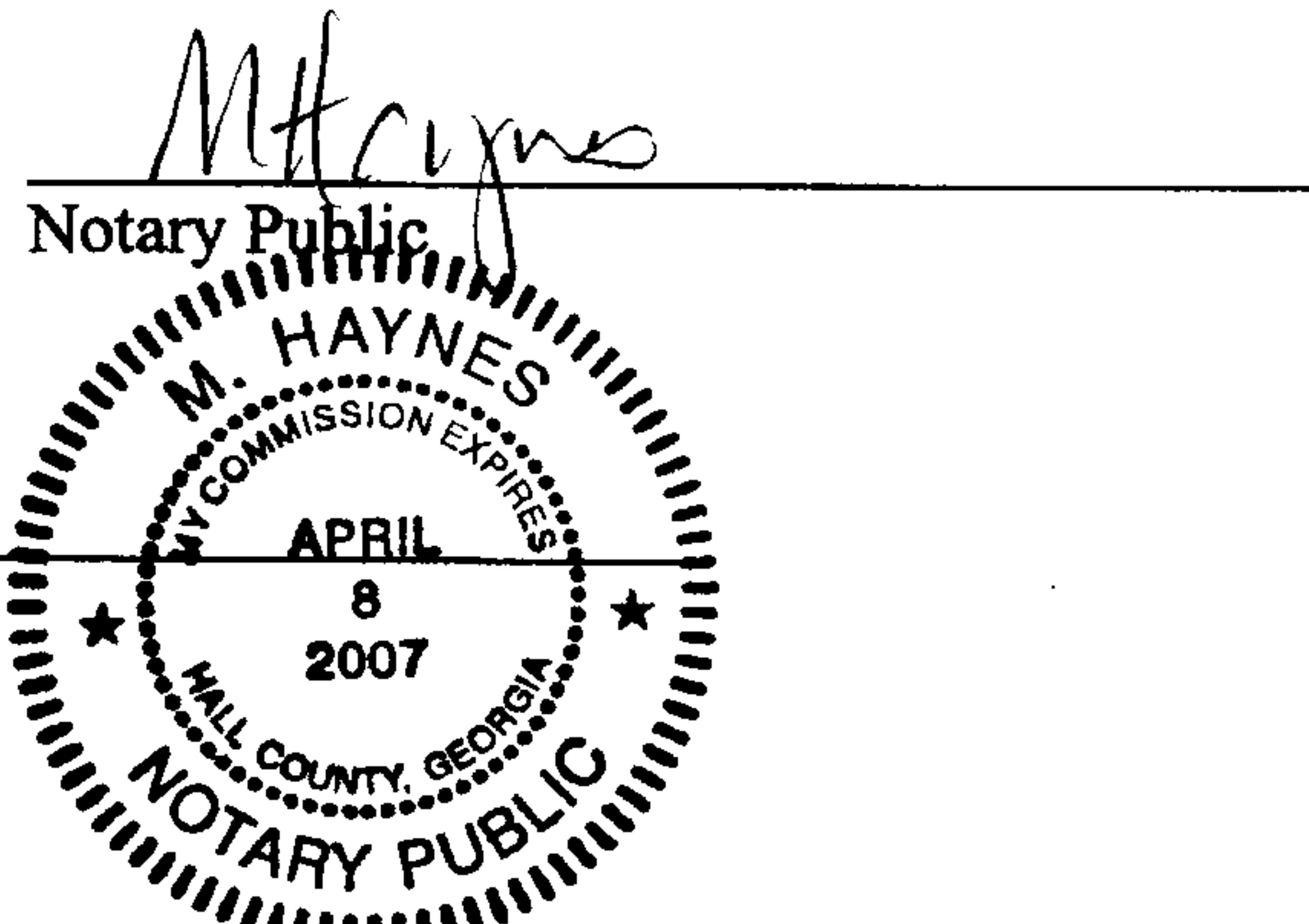


Exhibit A

(Legal Description)

A parcel of land situated in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, said point also being on the West boundary line of Lot 1, of Dewberry's Subdivision as recorded in Map Book 9, page 11, in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 00°01'03" West along the West line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  line and said West lot line for a distance of 150.00 feet to the Point of Beginning; thence leaving said  $\frac{1}{4}$  -  $\frac{1}{4}$  line and said West lot line run South 89°58'57" West for a distance of 368.00 feet; thence run North 68°11'03" West for a distance of 175.55 feet to the Southeasterly right of way of Inverness Center Drive (ROW varies); said point also being the point of curvature of a curve to the left, having a radius of 375.00 feet, a central angle of 14°31'16" a chord length of 94.79 feet and a chord bearing of North 19°54'23" East; thence continue along the arc of said curve and along said right of way for a distance of 95.04 feet to the Point of Tangency of said curve; thence run North 12°38'45" East along said right of way for a distance of 78.22 feet; thence run North 03°50'26" East along said right of way for a distance of 96.13 feet; to the point of curvature of a curve to the right, having a radius of 361.25 feet, a central angle of 24°42'04" a chord length of 154.54 feet and a chord bearing of North 16°11'28" East; thence continue along the arc of said curve and along said right of way for a distance of 155.74 feet; thence leaving said right of way run South 73°17'13" East for a distance of 258.79 feet; thence run South 80°00'58" East for a distance of 187.24 feet to the West line of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, said point also being on the West line of Lot 1, of Dewberry's Subdivision as recorded in Map Book 9, page 11 in the Office of the Judge of Probate, Shelby County, Alabama; thence run South 00°01'03" West along said  $\frac{1}{4}$  -  $\frac{1}{4}$  line and said West lot line for a distance of 368.01 feet to the Point of Beginning.

Together with those rights granted in the Access Road Construction and Easement Agreement and Drainage Easement Agreement recorded in Instrument 20030618000380510, in the Probate Office of Shelby County, Alabama.