

This instrument was prepared by

Anthony D. Snable, Attorney  
1629 11th Avenue South  
Birmingham, Alabama 35205

SEND TAX NOTICE TO:

MALCOMB D. GRAVES, JR.

4384 HIGHWAY 31  
CALERA,

AL

35040

File #S04284

## WARRANTY DEED

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS:


That in consideration of TWO MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$2,500,000.00) and other good and valuable consideration to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we, ED CATES A MARRIED MAN (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto MALCOMB D. GRAVES, JR. (herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

SUBJECT TO:

1. Advalorem property taxes for the current tax year, 2004.
2. Easements, restrictions, covenants, conditions and reservations of record.

\$2,322,847.00

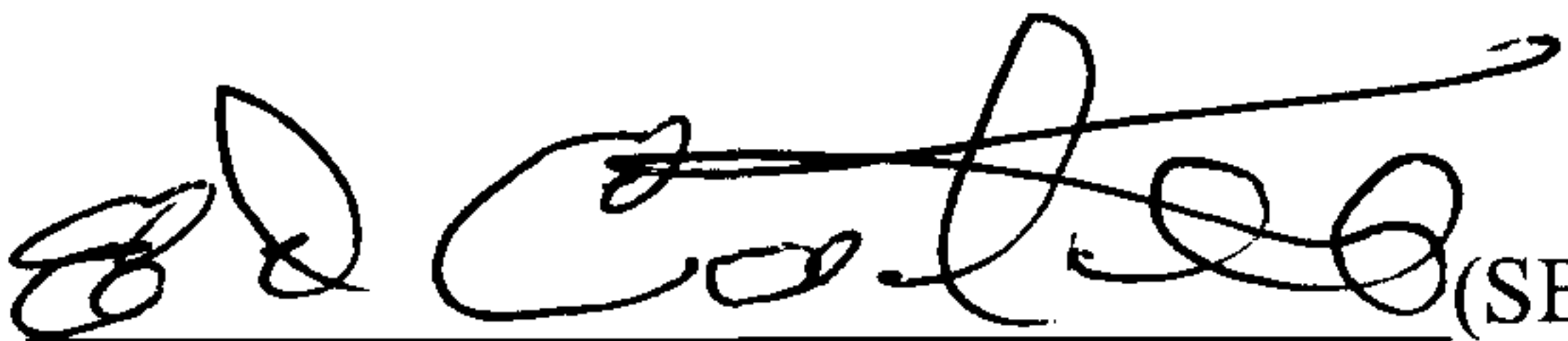
 ~~\$2,500,000.00~~ of the consideration herein was derived from mortgage loans closed simultaneously herewith.

THE GRANTOR HEREBY CERTIFIES THAT THE ABOVE DESCRIBED PROPERTY DOES NOT CONSTITUTE HIS HOMESTEAD OR THE HOMESTEAD OF HIS SPOUSE AS DEFINED BY CODE SECTION 6-10-2.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do, for myself (ourselves) and for my (our) heirs, executors and administrators, covenant with said grantee, his, her or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will, and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I/(we), have hereunto set my (our) hand(s) and seal(s) this 31st day of August, 2004.

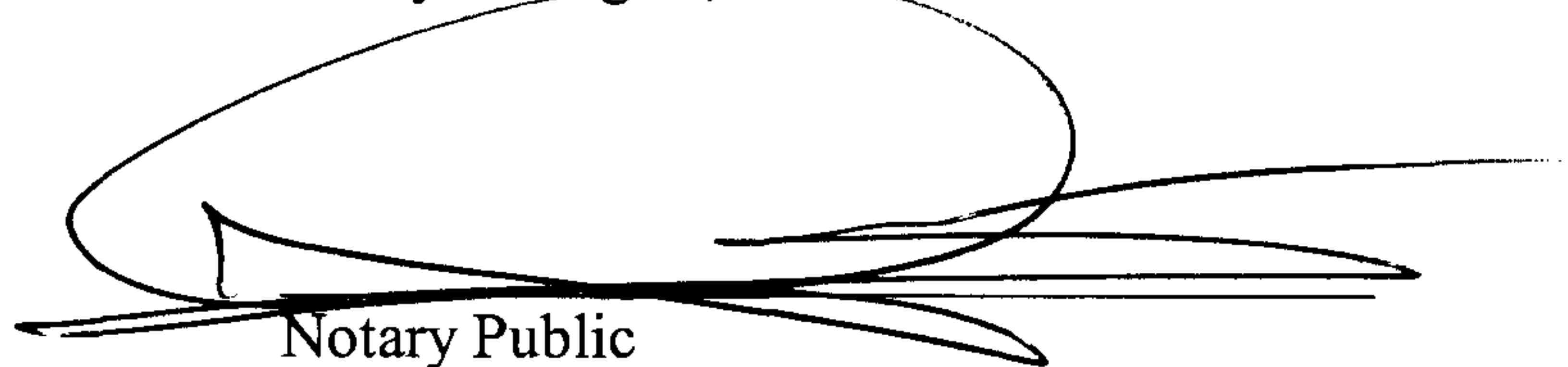
  
ED CATES (SEAL)

STATE OF ALABAMA

SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, here by certify that ED CATES, A MARRIED MAN whose name(s) (is/are) signed to the foregoing conveyance, and who (is/are) known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, HE/SHE/THEY executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31st day of August, 2004

  
Notary Public

My commission expires: 11-2-09



**EXHIBIT "A"**  
**DESCRIPTION OF PROPERTY**

PART OF THE SOUTH ½ OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 2 WEST SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL A**

BEGIN AT THE NE CORNER OF LOT 13 OF SUMMERCHASE PHASE I, AS RECORDED IN MAP BOOK 23, PAGE 7, IN THE OFFICE OF THE JUDGE OF PROBATE IN SHELBY COUNTY; THENCE S 33 DEGREES 49 MINUTES 4 SECONDS E ALONG THE EASTERLY LINE OF SAID SUMMERCHASE A DISTANCE OF 208.89 FEET; THENCE N 73 DEGREES 0 MINUTES 0 SECONDS E A DISTANCE OF 416.88 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HWY. 31; THENCE N 33 DEGREES 35 MINUTES 66 SECONDS WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 210.30 FEET; THENCE S 72 DEGREES 46 MINUTES 59 SECONDS W AND LEAVING SAID RIGHT-OF-WAY A DISTANCE OF 417.26 FEET TO THE POINT OF BEGINNING.

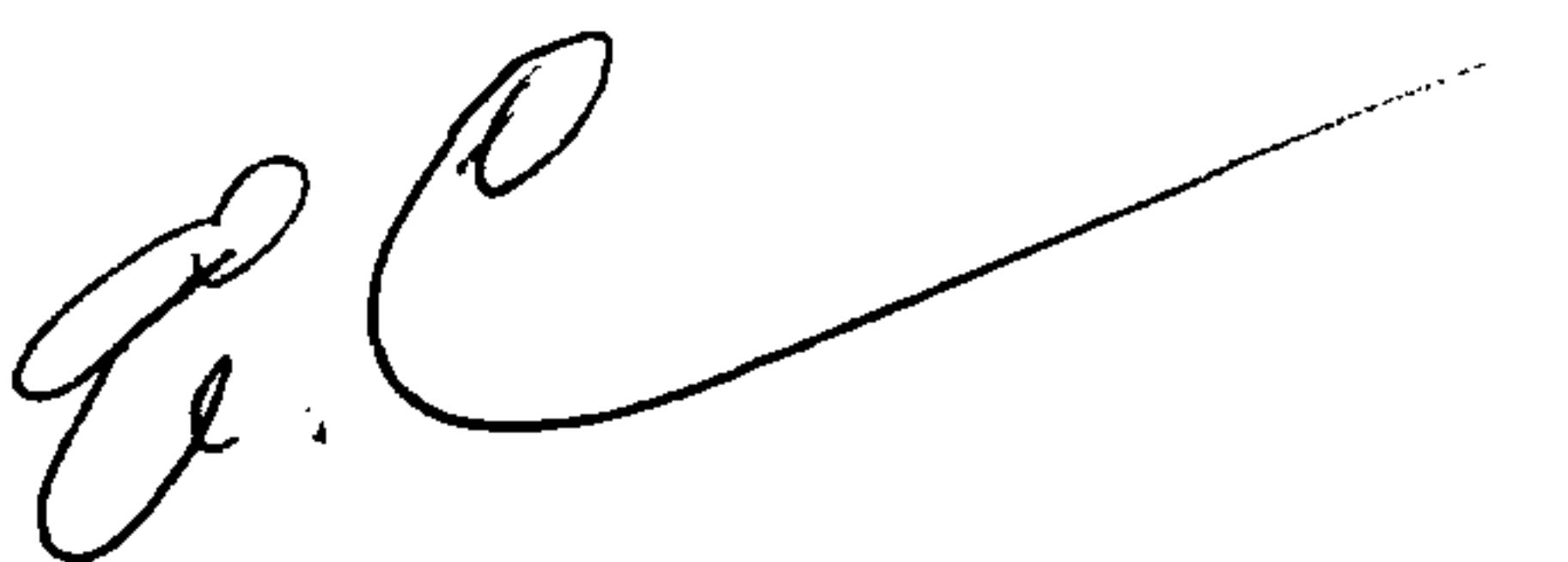
**PARCEL B2**

COMMENCE AT THE NE CORNER OF LOT 2 OF SUMMERCHASE COMMERCIAL VILLAGE PHASE I, AS RECORDED IN MAP BOOK 23, PAGE 138, IN THE OFFICE OF THE JUDGE OF PROBATE IN SHELBY COUNTY; THENCE S 55 DEGREES 3 MINUTES 25 SECONDS W ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 220.76 FEET; THENCE N 34 DEGREES 56 MINUTES 35 SECONDS W A DISTANCE OF 40.44 FEET; THENCE S 55 DEGREES 3 MINUTES 25 SECONDS W A DISTANCE OF 92.35 FEET; THENCE N 34 DEGREES 56 MINUTES 35 SECONDS W A DISTANCE OF 139.89 FEET TO THE POINT OF BEGINNING. THENCE N 70 DEGREES 41 MINUTES 30 SECONDS E A DISTANCE OF 327.39 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HWY. 31; THENCE N 33 DEGREES 35 MINUTES 56 SECONDS W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 29.37 FEET; THENCE S 73 DEGREES 0 MINUTES 0 SECONDS W AND LEAVING SAID RIGHT-OF-WAY A DISTANCE OF 332.12 FEET; THENCE S 34 DEGREES 56 MINUTES 35 SECONDS E A DISTANCE OF 43.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 0.26 ACRES, MORE OR LESS.

LESS AND EXCEPT THE FOLLOWING:

**PARCEL B1**

BEGIN AT THE NE CORNER OF LOT 2, OF SUMMERCHASE COMMERCIAL VILAGE PHASE 1, AS RECORDED IN MAP BOOK 23, PAGE 138, IN THE OFFICE OF THE JUDGE OF PROBATE IN SHELBY COUNTY; THENCE S 55 DEGREES 3 MINUTES 25 SECONDS W ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 220.76 FEET; THENCE N 34 DEGREES 56 MINUTES 35 SECONDS W A DISTANCE OF 40.44 FEET; THENCE S 55 DEGREES 3 MINUTES 25 SECONDS W A DISTANCE OF 92.35 FEET; THENCE N 34 DEGREES 56 MINUTES 35 SECONDS W A DISTANCE OF 139.89 FEET; THENCE N 70 DEGREES 41 MINUTES 30 SECONDS E A DISTANCE OF 327.39 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HWY. 31; THENCE S 33 DEGREES 35 MINUTES 56 SECONDS E ALONG SAID RIGHT OF WAY A DISTANCE OF 92.12 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 0.90 ACRES, MORE OR LESS

A handwritten signature in black ink, appearing to be 'E.C.', is located at the bottom left of the page. The signature is stylized and fluid.