


\$ 200,000.00 of purchase price
is being paid by a mortgage.


20041012000564050 Pg 1/7 33.00
Shelby Cnty Judge of Probate, AL
10/12/2004 12:34:00 FILED/CERTIFIED

SPECIAL WARRANTY DEED

THIS DEED, made this 30th day of September, 2004 between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantor", and TRIAD PROPERTIES, LLC, an Alabama limited liability company, whose mailing address is P. O. Box 660622, Birmingham, AL 35266, hereinafter called "Grantee", WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors and assigns of corporations.)

THAT Grantor, for and in consideration of the sum of ONE HUNDRED FORTY TWO THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$142,800), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, its successors and assigns, that certain tract or parcel of land situate, lying and being City of Helena, County of Shelby, State of Alabama, hereinafter designated "the Premises," more particularly described in Exhibit A, attached hereto and incorporated herein, and containing 11.899 acres, more or less; SUBJECT TO THE FOUR (4) FOLLOWING GENERAL AGREEMENTS: LN 026942-495 between L&N Railroad and South Central Bell Telephone Company dated August 18, 1960 for an aerial crossing; SAL 017981-235 between Seaboard System Railroad and Alabama Power Co. dated March 12, 1929 for a power line crossing; SBD 006719-251 between CSX Transportation and AT&T Communications, Inc. dated November 20, 1984 for a subgrade fiber optic cable crossing; and SCL 010023-048 between Seaboard System Railroad and South Central Bell Telephone Company, dated April 21, 1971 for an aerial crossing.

TOGETHER WITH all buildings, structures and improvements thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Premises belonging or in anyway incident or appertaining.

TO HAVE AND TO HOLD the Premises unto Grantee, Grantee's heirs and assigns or successors and assigns, forever.

Grantor hereby WARRANTS that: (a) SUBJECT TO reservations, easements, covenants, restrictions and limitations of record or platted, all existing public utilities and roadways, and all existing encroachments, ways and servitudes, howsoever created, determinable by a proper survey or by an inspection thereof, Grantor will forever defend the Premises unto Grantee against claims of or by Grantor and all other persons lawfully claiming or to claim the same or any part thereof by, through or under Grantor; (b) Grantor will execute such other and further assurances of the same as may be required.

Grantee, by the acceptance hereof, hereby covenants and agrees with Grantor that Grantor shall not be required to erect or maintain any fences, railings or guard rails along any boundary lines between the Premises and the adjacent land(s) of Grantor or of any other company affiliated with Grantor; or be liable for or required to pay any part of the cost or expense of erecting or maintaining such fences, railings or guard rails or any part thereof; or be liable for any damage, loss or injury that may result by reason of the non-existence or the condition of any fences, railings or guard rails. Grantee assumes all liability and responsibility respecting fences, railings or guard rails, or the absence thereof; excepting Grantor's negligence thereof, excepting matters caused by the negligence of Grantor.

Grantee, by acceptance of this deed, hereby covenants that it, its successors, heirs, legal representatives or assigns shall maintain the existing drainage on the Premises in such a manner as not to impair adjacent railroad operating property drainage and not to redirect or increase the quantity or velocity of surface water runoff or any streams into Grantor's drainage system or upon the railroad operating property or other lands and facilities of Grantor. If the Premises or existing drainage are modified or improved, Grantee agrees to construct and maintain, in accordance with all applicable statutes, ordinances, building and subdivision codes, covenants and restrictions, an adequate drainage system from the Premises to the nearest public or non-Grantor owned drainage or storm sewer system, or natural drainage in order to prevent the discharge of roof, surface, stream and other drainage waters upon railroad operating property or other adjacent lands and facilities of Grantor.

Said covenant(s) shall run with title to the Premises conveyed, and bind upon Grantee, Grantee's heirs, legal representatives and assigns, or corporate successors and assigns, and anyone claiming title to or holding Premises through Grantee.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.

Signed, sealed and delivered
in the presence of:

Lori D. Overbay
Lori D. Overbay

CSX TRANSPORTATION, INC.:

By: [Signature]
Print Name: Stephen A. Crosby
Print Title: President, CSX Real Property, Inc.

Marie A. Tessier
Marie A. Tessier

Attest Donna W. Melton (SEAL)
Secretary
Print Name: Donna W. Melton

This instrument prepared by
or under the direction of:

Christopher G. Commander
Attorney
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202

**Return to: Triad Properties, LLC
P. O. Box 660622
Birmingham, AL 35266**

STATE OF FLORIDA)
) SS.
COUNTY OF DUVAL)

I, Linda Carol Acosta, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County came Stephen A. Crosby (X) to me known, and/or () proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: (s)he resides in Jacksonville, Duval County, Florida; (s)he is President-CSX Real Property, Inc., signing on behalf of CSX Transportation, Inc., the

corporation described in and which executed said instrument; (s)he is fully informed of the contents of the instrument; (s)he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; (s)he signed his/her name thereto for said corporation pursuant to Board authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 1st day of October, 2004.

My commission expires on:



Linda Carol Adlin
My Commission DD041572
Expires July 11 2005

Linda Carol Adlin (SEAL)
Notary Public
Print Name: Linda CAROL AdLIN

EXHIBIT A

Description of property at: Helena, County of Shelby, State of Alabama

To: Triad Properties, LLC

CSXT Deed File No.: 2001-6101/LDO

A parcel of land situated in the Southwest quarter of the Northwest quarter of Section 14 and in the South one-half of the Northeast quarter, the Southeast quarter of the Northwest quarter, and the Northeast quarter of the Southwest quarter of Section 15, all in Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Southwest quarter of the Northwest quarter of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama and run in a Northerly direction along the West line of said quarter-quarter section for 338.76 feet to the Southerly right-of-way of CSX Railroad, (formerly South & North Alabama Railroad), said point lying 50 feet at right angles from the centerline of the existing main track and being the Point Of Beginning of the herein described parcel; thence turn a deflection angle of $103^{\circ}07'27''$ to the right and run in a Southeasterly direction along said right of way for 503.52 feet; thence turn an interior angle of $176^{\circ}45'37''$ to the chord of a spiral curve to the right and run along the arc of said spiral curve in a Southeasterly direction and along said right of way a chord distance of 226.12 feet; thence turn an interior angle of $168^{\circ}04'57''$ from the chord of said spiral curve to the chord of a circular curve to the right having a central angle of $17^{\circ}00'51''$ and a radius of 1436.21 feet and run in a Southeasterly direction along the arc of said curve and along said right of way for 426.49 feet to the South line of the Southwest quarter of the Northwest quarter of said Section 14; thence turn an interior angle of $26^{\circ}07'52''$ from the chord of the last described curve and run to the right in a Westerly direction along said South line for 91.57 feet to a point lying 100 feet at right angles from the centerline of the aforementioned railroad; thence turn an interior angle of $155^{\circ}25'00''$ to the chord of a circular curve to the left having a central angle of $13^{\circ}52'41''$ and a radius of 1386.21 feet and run to the right along the arc of said curve to the left and along a curve lying 100 feet from and parallel to said centerline for 335.77 feet; thence turn an interior angle of $190^{\circ}22'14''$ from the chord of said circular curve to the chord of a spiral curve to the left and run to the left along the arc of said spiral curve in a Northwesterly direction along a curve lying 100 feet from and parallel to said centerline a chord distance of 221.23 feet; thence turn an interior angle of $183^{\circ}14'20''$ from the chord of said spiral curve and run to the left in a Northwesterly direction along a line lying 100 feet from and parallel to said centerline for 491.44 feet to the West line of the Southwest quarter of the Northwest quarter of said Section 14; thence continue along the last described course in a Northwesterly direction for 282.71 feet; thence turn an interior angle of $180^{\circ}23'35''$ to the chord of a spiral curve to the left and run to the left along the arc of said spiral curve in a Northwesterly direction along a curve lying 100 feet from and parallel to said centerline a chord distance of 94.73 feet; thence turn an interior angle of $100^{\circ}34'35''$ from the chord of said spiral curve and run to the right in a Northerly direction for 5.51 feet; thence turn an interior angle of $260^{\circ}25'50''$ and run to the left in a Northwesterly direction for 55.01 feet; thence turn an interior angle of $198^{\circ}24'27''$ and run to the left in a

Southwesterly direction for 138.59 feet; thence turn an interior angle of $181^{\circ}02'11''$ and run to the left in a Southwesterly direction for 230.54 feet; thence turn an interior angle of $181^{\circ}14'15''$ and run to the left in a Southwesterly direction for 1647.52 feet to the Northeast corner of Lot 10, Block 2 according to the survey of Mullins East Side Addition to Helena as recorded in Map Book 4, Page 25 in the Probate Office of Shelby County, Alabama; thence turn an interior angle of $180^{\circ}46'17''$ and run to the left in a Southwesterly direction along the North line of said Lot 10 for 246.06 feet to the Northwest corner of said Lot 10, also lying on the Northerly right of way of Railroad Avenue; thence turn an interior angle of $179^{\circ}02'43''$ and run to the right in a Southwesterly direction along said Northerly right of way for 211.60 feet; thence turn an interior angle of $177^{\circ}52'27''$ and run to the right in a Southwesterly direction along said Northerly right of way for 46.11 feet; thence turn an interior angle of $180^{\circ}52'52''$ and run to the left in a Southwesterly direction along said Northerly right of way for 152.37 feet; thence turn an interior angle of $166^{\circ}23'19''$ and run to the right in a Northwesterly direction for 159.80 feet; thence turn an interior angle of $164^{\circ}50'00''$ and run to the right in a Northwesterly direction a distance of 595.40 feet; thence turn an interior angle of $101^{\circ}56'28''$ and run to the right in a Northerly direction for 24.80 feet to the Southerly right of way of CSX Railroad (formerly South & North Alabama Railroad), said point lying 50' at right angles from the centerline of the main track of said CSX Railroad; thence turn an interior angle of $85^{\circ}29'52''$ and run to the right in a Southeasterly direction along said right of way for 180.11 feet; thence turn an interior angle of $182^{\circ}22'45''$ to the chord of a spiral curve to the left and run to the left in a Southeasterly to Easterly direction along the arc of said curve and along said right of way for a chord distance of 233.96 feet; thence turn an interior angle of $190^{\circ}05'03''$ from the chord of said spiral curve to the chord of a circular curve to the left having a central angle of $13^{\circ}12'00''$ and a radius of 1482.69 feet and run to the left in an Easterly direction along the arc of said curve and along said right of way for 341.59 feet; thence turn an interior angle of $188^{\circ}53'16''$ from the chord of the last described curve to the chord of a spiral curve to the left and run to the left in a Northeasterly direction along the arc of said curve and along said right of way a chord distance of 236.23 feet; thence turn an interior angle of $181^{\circ}27'37''$ from the chord of said spiral curve and run to the left in a Northeasterly direction along said right of way for 1682.78 feet; thence turn an interior angle of $178^{\circ}19'54''$ to the chord of a spiral curve to the right and run along the arc of said spiral curve in a Northeasterly direction and along said right of way a chord distance of 162.75 feet; thence turn an interior angle of $170^{\circ}02'31''$ from the chord of said spiral curve to the chord of a circular curve to the right having a central angle of $17^{\circ}12'27''$ and a radius of 1798.48 feet and run in an Easterly direction along the arc of said curve and along said right of way for 540.14 feet; thence turn an interior angle of $170^{\circ}29'47''$ from the chord of the last described curve to the chord of a spiral curve to the right and run along the arc of said spiral curve a chord distance of 172.96 feet; thence turn an interior angle of $179^{\circ}00'17''$ from the chord of said spiral curve and run to the right in a Southeasterly direction along said right of way for 271.05 feet to the point of beginning, containing 11.899 acres, more or less.

BEING more particularly shown on the ALTA/ACSM Land Title Survey for Triad Properties dated March 22, 2004 prepared by Robbin E. Phillips, Registered Land Surveyor, Alabama

Number 14976, Paragon Engineering, Inc., Suite 230, 2320 Highland Avenue South,
Birmingham, AL 35205 incorporated herein by reference.