

- (11) Restrictive covenants and grant of land easement in favor of Alabama Power Company as recorded in Instrument No. 20040910000506190.

The entire purchase price stated herein was paid from the proceeds advanced from a Mortgage Loan closed contemporaneously herewith.

Grantee, by acceptance of this deed, acknowledges, covenants and agrees for itself and for its successors and assigns, that Grantor shall not be liable for and Grantee hereby waives and releases Grantor, its officers, agents, employees, directors, shareholders, partners, mortgagees and their respective successors and assigns from any liability of any nature on account of loss, damage, or injuries to buildings, structures, improvements, personal property or to Grantee or any owner, occupants or other person who enters upon any portion of the Property as a result of any past, present or future soil, surface and/or subsurface conditions (including, without limitation, radon, sinkholes, underground mines, tunnels and limestone formations and deposits) under or upon the Property or any property surrounding, adjacent to or in close proximity with the Property which may be owned by Grantor; provided, however, that this paragraph is inapplicable to soil, surface and/or subsurface conditions resulting from or arising out of Grantor's development or construction activities.

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

IN WITNESS WHEREOF, Grantor **CHESSER PLANTATION, LLC**, by its sole Member and Manager, who is authorized to execute this Statutory Warranty Deed as provided in Grantor's Articles of Organization which as of this date have not been modified or amended, has hereto set its signature and seal as of January 27, 2005.

CHESSER PLANTATION, LLC

BY: The Crest at Greystone, Inc.
Its Member and Manager

By: 
William L. Thornton, III
Its President

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

20050201000048880 Pg 2/2 15.00
Shelby Cnty Judge of Probate,AL
02/01/2005 12:20:00 FILED/CERTIFIED

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that William L. Thornton, III, whose name as President of The Crest at Greystone, Inc., an Alabama corporation, as the sole Member and Manager of CHESSER PLANTATION, LLC, an Alabama limited liability company, 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 as the act of said Member and Manager of said limited liability company on the day the same bears date.

Given under my hand and official seal this the 27th day of January, 2005.

Jose M. Gaurman
Notary Public

AFFIX SEAL

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 21, 2008
~~FORGED THRU NOTARY PUBLIC UNDERWRITERS~~