

Send Tax Notice To:

Bent Creek, LLC
5 Bonita Drive
Birmingham, AL, 35209

This instrument was prepared by:

James W. Fuhrmeister

✓ **ALLISON, MAY, ALVIS,**

FUHRMEISTER & KIMBROUGH, L.L.C.

P. O. Box 380275

Birmingham, AL 35238

STATUTORY WARRANTY DEED

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS,

COUNTY OF SHELBY)

THAT IN CONSIDERATION OF **One Million Two Hundred Seventy-Two Thousand One Hundred Eighty and 00/100 (\$1,272,180.00) Dollars** and other good and valuable consideration to the undersigned Grantor in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, **Double Mountain, LLC, a limited liability company**, (herein referred to as Grantor) does grant, bargain, sell and convey unto **Bent Creek, LLC, a limited liability company**, (herein referred to as Grantee), the following described real estate, situated in the State of Alabama, County of Shelby, to-wit:

See Exhibit "A" for legal description of 195.72 +/- acres in Shelby County, Alabama.

Subject to:

1. General and special taxes or assessments for the year 2005 and subsequent years not yet due and payable.
2. Right(s)-of-Way(s) granted to Alabama Power Company by instrument(s) recorded in Deed Book 126 page 55 in Probate Office.
3. Railroad right of way reserved by South and North Alabama Railroad by Deed Book "T" page 655 in Probate Office.
4. Memorandum and Affidavit regarding oil and gas lease to Anschutz Corporation dated February 9, 1982 and recorded in Misc. Book 45 page 303 in Probate Office.
5. Memorandum of Oil and Gas Lease to Atlantic Richfield Company as recorded in Deed Book 324 page 391 in the Probate Office.
6. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Inst. No. 1994-29305 and Deed 154 page 455 and Deed 171 page 515 and Deed 244 page 587 in the Probate Office.
7. Less and except any portion of subject land lying within any road right of way.
8. Minerals and restrictions as set out in Deed 244 page 587 in the Probate Office.
9. Rights of others to the use of Pickle Drive.
10. Rights of others to the use of Brasher Drive.
11. The following matters as shown on the survey by the SMW Engineering Group, Inc. dated 12/29/04:
 - (a) Encroachment of overhead power lines onto and/or off of the Westerly portion of Parcel 2.
 - (b) Encroachment of 8 foot by 6 foot building with chain link fence off of the land in the Westerly portion of Parcel 2.
 - (c) Encroachment(s) of Brasher Drive onto and/or off of the Easterly side of Parcel 1.
 - (d) Encroachment(s) of Pickle Drive onto and/or off of the land in the mid portion of Parcel 2.
 - (e) Encroachment(s) of gravel drive onto and/or off of the Northwesterly side of the land of Parcel 2.
 - (f) Encroachment(s) of "Old Barbed Wire Fence" onto and/or off of the land on the Southerly side of Parcel 1.
 - (g) Encroachment(s) of "Hog Wire Fence" onto and/or off of the land on the Southerly side of Parcel.
12. All other existing easements, restrictions, current taxes, set-back lines, rights of way, limitations, if any, of record.

NOTE: The real property conveyed herein does not constitute the homestead of the Grantor.

NOTE: All of the above-recited consideration was paid from the proceeds of a mortgage recorded simultaneously herewith.

Grantor further certifies that this deed is executed as required by its Articles of Organization dated September 22, 1994 and recorded in the Probate Office of Jefferson County, Alabama and its Operating Agreement dated September 22, 1994, neither of which have been modified or amended.

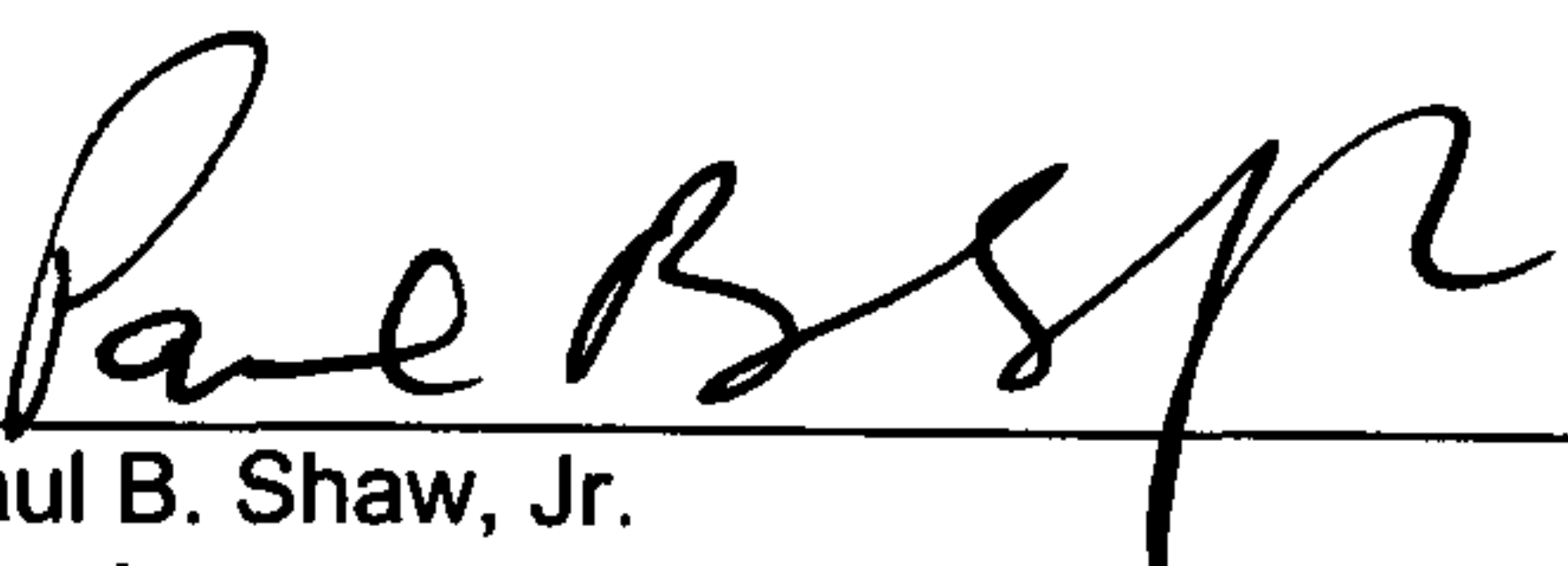
Further, for the consideration recited herein Grantee agrees to be bound by all of the obligations of the Purchaser in Purchase and Sale Agreement dated April 5, 2004, the Reinstatement and Extension Agreement dated October 26, 2004 and the Addendum to the Purchase and Sale Agreement and Reinstatement and Extension Agreement dated January 4, 2005 all by and between Double Mountain, LLC and Gary L. Thompson (collectively, the "Contract"), said Contract being partially assigned to Grantee herein by Gary L. Thompson by instrument dated January 4, 2005; provided that Grantor and Grantee agree that all of such obligations of the Contract shall survive the closing and delivery of this deed such as they apply to the 195.72 +/- acres conveyed herein and Joseph Zegarelli and Bent Creek, LLC and/or their assigns, and Grantee agrees to be bound only by such obligations.

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

Grantor makes no warranty or covenant respecting the nature of the quality of the title to the property hereby conveyed other than that the Grantor has neither permitted nor suffered any lien, encumbrance or adverse claim to the property described herein since the date of acquisition thereof by the Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal, this 4th day of February, 2005.

Double Mountain, LLC, a limited liability company



Paul B. Shaw, Jr.
Member

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Paul B. Shaw, Jr., whose name as Member of Double Mountain, LLC is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance and with full authority, he/she executed the same voluntarily on the date the same bears date as the act of said Double Mountain, LLC.

Given under my hand and official seal, this 4th day of February, 2005.



Notary Public

My commission expires: 8/21/07

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY CONVEYED (195.72 +/- acres in Shelby County, Alabama)

Parcel I

A parcel of land lying in the North ½ of Section 12, Township 20 South, Range 2 West, the Southeast ¼ of the Southeast ¼ of Section 1, Township 20 South, Range 2 West, the Northwest ¼ of the Northwest ¼ of Section 7, Township 20 South, Range 1 West, and the Southwest ¼ of the Southwest ¼ of Section 6, Township 20 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Beginning at a 1 ½ inch open top pipe found at the Northeast corner of the Southwest ¼ of the Northeast ¼ of said Section 12; thence S 00 deg. 49 min. 58 sec. E along the East line of said ¼ ¼ a distance of 1327.32 feet to a ½ inch rebar found at the Southeast corner of said ¼ ¼; thence N 89 deg. 05 min. 55 sec. W along the South line of the North ½ of said Section 12 a distance of 3318.86 feet to a 5/8 inch capped rebar set "SMW LS 19753"; thence leaving said South line N 55 deg. 20 min. 36 sec. E a distance of 4546.14 feet to a 5/8 inch capped rebar set "SMW LS 19753" on the Southerly right of way of County Highway 36; thence along said right of way the following courses and distances of N 84 deg. 43 min. 14 sec. E a distance of 120.86 feet to a 5/8 inch capped rebar set SMW LS 19753; thence N 05 deg. 16 min. 46 sec. W a distance of 10.00 feet to a 5/8 inch capped rebar set SMW LS 19753; thence N 84 deg. 43 min. 14 sec. E a distance of 733.77 feet to a 5/8 inch capped rebar set SMW LS 19753; thence with a curve to the right having an arc length of 1195.36 feet, a radius of 480.87 feet and a chord bearing and distance of S 24 deg. 03 min. 56 sec. E for 910.50 feet to a 5/8 inch capped rebar set "SMW LS 19753"; thence S 46 deg. 54 min. 13 sec. W a distance of 502.71 feet to a concrete monument found; thence with a curve to the left having an arc length of 279.30 feet, a radius of 512.78 feet, and a chord bearing and distance of S 31 deg. 17 min. 58 sec. W for 275.86 feet to a 5/8 inch capped rebar set "SMW LS 19753" on the South line of the Northeast ¼ of the Northeast ¼ of said Section 12; thence leaving said right of way N 89 deg. 24 min. 58 sec. W along said South line a distance of 1151.42 feet to the point of beginning.

Parcel II

A parcel of land lying in the Northeast ¼ of the Northeast ¼ of Section 12, Township 20 South, Range 2 West, the Southeast ¼ of the Southeast ¼ of Section 1, Township 20 South, Range 2 West, the Northwest ¼ of the Northwest ¼ of Section 7, Township 20 South, Range 1 West, and the Southwest ¼ of the Southwest ¼ of Section 6, Township 20 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Beginning at a 3 inch open top pipe found at the Northeast corner of the Northwest ¼ of the Northwest ¼ of said Section 7; thence S 00 deg. 32 min. 38 sec. E a distance of 1331.69 feet to a 1 inch open top pipe found at the Southeast corner of said ¼ ¼; thence S 89 deg. 32 min. 37 sec. W along the South line of said ¼ ¼ a distance of 1320.00 feet to a 5/8 inch capped rebar set "SMW LS 19753"; thence N 89 deg. 24 min. 58 sec. W along the South line of the Northeast ¼ of the Northeast ¼ of said Section 12 a distance of 84.91 feet to a 5/8 inch capped rebar set "SMW LS 19753" on the Easterly right of way of County Highway 36; thence leaving said South line and along said right of way the following courses and distances: with a curve to the right having an arc length of 213.97 feet, a radius of 432.78 feet, and a chord bearing and distance of N 32 deg. 44 min. 23 sec. E for 211.80 feet to a 5/8 inch capped rebar set "SMW LS 19753"; thence N 46 deg. 54 min. 13 sec. E a distance of 502.37 feet to a 5/8 inch capped rebar set "SMW LS 19753"; thence with the curve to the left having an arc length 1394.23 feet, a radius of 560.87 feet and a chord bearing and distance of N 24 deg. 03 min. 56 sec. W for 1061.98 feet to a 5/8 inch capped rebar set SMW LS 19753; thence S 84 deg. 43 min. 14 West a distance of 377.28 feet to a 5/8 inch capped rebar set SMW LS 19753; thence leaving said right of way North 00 deg. 18 min. 36 sec. E parallel to the West line of the SW ¼ of the SW ¼ of said Section 6 a distance of 96.00 feet to a 5/8 inch capped rebar set SMW LS 19753; thence N 51 deg. 24 min. 16 sec. E a distance of 514.02 feet to a 5/8 inch capped rebar set SMW LS 19753 on said West line; thence N 57 deg. 19 min. 02 sec. E a distance of 1506.21 feet to a 5/8 inch capped rebar set SMW LS 19753 on the North line of the SW ¼ of the SW ¼ of said Section 6; thence S 89 deg. 36 min. 10 sec. E along said North line a distance of 55.08 feet to a 5/8 inch capped rebar set SMW LS 19753; thence leaving said North line S 00 deg. 14 min. 05 sec. W along the West line of said ¼ ¼ a distance of 1344.67 feet to the point of beginning.

Less and except that right of way of Pickle Drive over and across said described property.

All being situated in Shelby County, Alabama.