

\$425,000.00

STATE OF ALABAMA)
JEFFERSON COUNTY)

Send tax notices to:
ECO Acquisition Subsidiary, Inc.
c/o Southwest Water Services Group
Attn: Chief Financial Officer
12946 Dairy Ashford, Ste. 400
Sugar Land, TX 77478


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Shelby Cnty Judge of Probate, AL
03/22/2005 02:35:33PM FILED/CERT

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS That for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned Novus Utility Services, Inc., an Alabama corporation (the "Grantor"), in hand paid by ECO Acquisition Subsidiary, Inc., a Delaware corporation (the "Grantee"), the receipt of which is acknowledged, the said Grantor does GRANT, BARGAIN, SELL AND CONVEY unto the Grantee, its successors and assigns, that certain real estate situated in Shelby County, Alabama, which is described in Exhibit A attached hereto and made a part hereof (the "Property").

SUBJECT TO:

1. Ad Valorem taxes for the current year.
2. Easements and building lines as shown on recorded map.
3. Mortgage, Assignment of Rents and Leases and Security Agreement dated 3-27-96 executed by Novus Utility Services, Inc. to AmSouth Bank of Alabama, recorded in Instrument 1996-10121, in the Probate Office of Shelby county, Alabama.
4. Prior Lienholder's Agreement dated 11-8-96 by and between AmSouth Bank of Alabama and Birmingham City Wide Local Development Company, recorded in Instrument 1996-37527, in the Probate Office of Shelby County, Alabama.
5. Mortgage dated 11-8-96, from Novus Utility Services, Inc. to Birmingham City Wide Local Development Company, recorded in Instrument 1996-37528, and transferred and assigned to the Small Business Administration by instrument recorded in Instrument 1996-37529, in the Probate Office of Shelby County, Alabama.
6. Mortgage dated 2-1-00 executed by Novus Utility Services, Inc. to AmSouth Bank, filed for record 2-15-00, recorded in Instrument 2000-04708, in the Probate Office of Shelby County, Alabama.
7. Mortgage dated 4-19-02 executed by Novus Utility Services, Inc. to AmSouth bank, filed for record 4-24-02, recorded in Instrument 2002-19602, in the Probate Office of Shelby County, Alabama.
8. Assignment of Rents and Leases by and between Novus Utility Services, Inc. and AmSouth Bank, filed for record 4-24-02, recorded in Instrument 2002-19603, in the Probate Office of Shelby county, Alabama.

9. UCC recorded in Instrument 2002-19064 executed by Novus Utility Services, Inc. to AmSouth Bank, filed for record on 4-24-02 in the Probate Office of Shelby County, Alabama.
10. Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 101, page 500; Deed Book 101, page 569; Deed Book 111, page 153; Deed Book 129, page 38; Real 28, page 755 and Real 129, page 38, in the Probate Office of Shelby County, Alabama.
11. Mineral and mining rights and rights incident thereto recorded in Deed Book 100, page 380 and Deed Book 109, page 312, in the Probate Office of Shelby County, Alabama.
12. Mineral and mining rights not owned by Grantor.

TO HAVE AND TO HOLD the said Property unto the Grantee, its successors and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and unto its successors and assigns forever.

Grantor makes no warranty or covenant respecting the nature or 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 since the date of acquisition thereof by the Grantor, unless otherwise noted above.

IN WITNESS WHEREOF, the Grantor, by its authorized representative, has hereto set its signature and seal on the date of the acknowledgment of the Grantor's signature below, to be effective as of March 11, 2005.

GRANTOR

Novus Utility Services, Inc.

By: Ed R. Beck
Its: President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Edmund R. Beck whose name as President of Novus Utility Services, Inc. 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/she, as such representative and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this the 11th day of March, 2005.

John J. McEl
Notary Public

AFFIX SEAL

My commission expires: 7/11/09

This Instrument Was Prepared By:
Terry McElheny, Esquire
2121 Highland Avenue S.
Birmingham, AL 35205

Exhibit A

(Legal Description)

From the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, run Northerly along the West boundary line of said $\frac{1}{4}$ - $\frac{1}{4}$ section, 24.10 feet to a point on the old railroad bed of the Acton Branch of the L & N R.R.; thence turn an angle of $71^{\circ}23'40''$ to the right and run Northeasterly along said railroad bed for 25.27 feet; thence turn an angle of $2^{\circ}56'40''$ to the left and continue Northeasterly along said railroad bed for 275.60 feet; thence turn an angle of $0^{\circ}39'40''$ to the right and continue Northeasterly along said railroad bed for 224.40 feet; thence turn an angle of $96^{\circ}35'$ to the left and run Northwesterly 50.00 feet to an iron pipe for the point of beginning of the land herein described; thence continue Northwesterly along the same course for 146.00 feet; thence turn an angle of $89^{\circ}30'20''$ to the right and run Northeasterly 216.50 feet; thence turn an angle of $85^{\circ}50'$ to the right and run Southeasterly 146.00 feet; thence turn an angle of $94^{\circ}06'20''$ to the right and run Southwesterly 228.25 feet, more or less, to the point of beginning.

This land being a part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama.

ALSO:

From the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, run Northerly along the West boundary line of said $\frac{1}{4}$ - $\frac{1}{4}$ section, 24.10 feet to a point on the old railroad bed of the Acton Branch of the L & N R.R.; thence turn an angle of $71^{\circ}23'40''$ to the right and run Northeasterly along said railroad bed for 25.27 feet; thence turn an angle of $2^{\circ}56'4''$ to the left and continue Northeasterly along said railroad bed for 275.60 feet; thence turn an angle of $0^{\circ}39'40''$ to the right and continue Northeasterly along said railroad bed for 224.40 feet; thence turn an angle of $96^{\circ}35'$ to the left and run Northwesterly 50.00 feet to the point of beginning of the land herein described; thence turn an angle of $89^{\circ}26'40''$ to the right and run Northeasterly 228.55 feet; thence turn an angle of $126^{\circ}53'30''$ to the right and run Southwesterly 64.33 feet; thence turn an angle of $27^{\circ}53'45''$ to the right and continue Southwesterly 191.45 feet; thence turn an angle of $108^{\circ}07'45''$ to the right and run Northwesterly 134.00 feet to the point of beginning.

This land being a part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama.

ALSO:

From the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, run Northerly along the West boundary line of said $\frac{1}{4}$ - $\frac{1}{4}$ section, 24.10 feet to a point on the old railroad bed of the Acton Branch of the L



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& N R.R.; thence turn right an $71^{\circ}23'40''$ and run Northeasterly along said railroad bed for 25.27 feet; thence turn left $2^{\circ}56'40''$ and continue Northeasterly along said railroad bed for 275.60 feet; thence turn right $0^{\circ}39'40''$ and continue Northeasterly along said railroad bed 224.40 feet; thence turn left $96^{\circ}35'$ and run Northwesterly 50.00 feet; thence turn right $89^{\circ}26'40''$ and run Northeasterly 228.55 feet to the point of beginning; thence turn left $94^{\circ}06'20''$ and run Northwesterly 146.00 feet; thence turn right $94^{\circ}10'$ and run Northeasterly 5.20 to a point on the Southwesterly right of way line of Valleydale Terrace (50' ROW); thence turn right $69^{\circ}10'18''$ and run Southeasterly along said right of way 140.27 feet to the point of a curve to the right, said curve having a central angle of $22^{\circ}15'47''$ and a radius of 121.77 feet; thence run Southeasterly along the arc of said curve and along said right of way 47.32 feet to a point on the Northwesterly right of way of a public road and the point of a curve to the left, said curve having a central angle of $32^{\circ}12'17''$ and a radius of 142.46 feet; thence run Southwesterly along the arc of said curve and along said right of way 80.07 feet to the end of said curve; thence turn left $16^{\circ}06'09''$ from the chord of said curve and run Southwesterly 14.34 feet; thence turn right $152^{\circ}06'15''$ and run Northeasterly 64.33 feet to the point of beginning.

This land being a part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama.

Shelby County, AL 03/22/2005
State of Alabama

Deed Tax: \$425.00