


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

\$100,000.00


20050322000129210 1/5 \$123.00
Shelby Cnty Judge of Probate, AL
03/22/2005 02:35:34PM 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. Right of Way to Southern Bell Telephone and Telegraph Company, recorded in Real 6, page 813, in the Probate Office of Shelby County, Alabama.
4. Transmission line permit to Alabama Power Company, as recorded in Deed Volume 266, page 741; Deed Volume 279, page 387; Deed Volume 234, page 481; Deed Volume 238, page 96; Deed Volume 232, page 724; Deed Volume 220, page 43; Deed Volume 266, page 741 and Deed Volume 247, page 422, in the Probate Office of Shelby County, Alabama.
5. Easement to Southern Bell Telephone and Telegraph Company recorded in Deed Volume 277, pages 219 and 442, in the Probate Office of Shelby County, Alabama.
6. Restrictions or Covenants recorded in Deed Volume 232, page 296 and Deed Volume 240, page 89, in the Probate Office of Shelby County, Alabama, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin.
7. Reservation of all oil and gas in and under subject property, together with the right to explore for and remove the same without using the surface as set forth in Book 275, page 895, in the Probate Office of Shelby County, Alabama.
8. Easement for sewer lines and pumping station as the same presently lies as set out in Book 66, page 76, in the Probate Office of Shelby County, Alabama.
9. Terms and conditions of that certain Agreement dated 5-1-79, by and between Lankford Investment Company, Ltd. and Altadena Forest Apartments, a

partnership, recorded in Misc. Book 36, page 549, in the Probate Office of Shelby County, Alabama.

10. Agreement regarding sewage treatment system dated 5-31-83, recorded in Misc. Book 51, page 667, in the Probate Office of Shelby County, Alabama.
11. Assignment of rights under Private Sewer Permit as set forth in Misc. Book 51, page 672, in the Probate Office of Shelby County, Alabama.
12. The rights of upstream and downstream riparian owners with respect to any body of water which may lie adjacent to, and/or traversing through, subject property.
13. Less and except any part of subject property lying within a road right of way.
14. 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.



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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 J. Becken
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 Edward Becken, whose name as President of Novus Utility Services, Inc., a Corporation, 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.

Terry McElheny
Notary Public

AFFIX SEAL

My commission expires: 7/11/08

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

Exhibit A

(Legal Description)

Part of the NW ¼ of Section 3, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at an existing crimp iron pin, being the most Westerly corner of Lot 1A, Altadena Park Resurvey, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 5, page 111, run in a Northwesterly direction, along the Northeast right of way line of Old Caldwell Mill Road, for a distance of 245.65 feet to an existing crimp iron pin and being the point of beginning of a curve, said curve being concave in a Southwesterly direction and having a central angle of 35°18'51" and a radius of 263.05 feet; thence turn an angle to the left and run in a Northwesterly direction, along the arc of said curve and along the Northeast right of way line of said Old Caldwell Mill Road, for a distance of 162.13 feet, to the point of ending of said curve; thence continue in a Northwesterly direction, along a line tangent to the end of said curve, and along the Northeast right of way line of said Old Caldwell Mill Road, for a distance of 231.58 feet; thence turn an angle to the right of 31°45' and run in a Northwesterly direction for a distance of 67.96 feet to a point on the East right of way line of Caldwell Mill Road; thence turn an angle to the right of 31°45' and run in a Northerly direction, along the East right of way line of said Caldwell Mill Road, for a distance of 162.68 feet to a point of intersection with a curve, said curve being concave in a Northwesterly direction and having a central angle of 3°36'16" and a radius of 2005.22 feet; thence turn an angle to the right (59°20'24" to the chord of said curve) and run in a Northeasterly direction, along the arc of said curve, for a distance of 126.15 feet to a point of reverse curve, said latest curve being concave in a Southerly direction and having a central angle of 36°13'17" and a radius of 58.97 feet; thence turn an angle to the right and run in a Northeasterly and Easterly direction, along the arc of said curve, for a distance of 37.28 feet to the point of ending of said curve; thence run in an Easterly direction, along a line tangent to the end of said curve, for a distance of 102.25 feet, to the point of beginning; thence turn an angle to the right of 63°45'02" and run in a Southeasterly direction for a distance of 55.01 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 91°51'45" and run in a Northeasterly direction for a distance of 150.88 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 94°18'35" and run in a Northwesterly direction for a distance of 55.20 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 82°59'55" and run in a Southwesterly direction for a distance of 144.88 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 90°49'45" and run in a Southerly direction for a distance of 6.87 feet, more or less to the point of beginning.

TOGETHER WITH a 20 foot easement for ingress and egress lying 10 feet on either side of the center line of said easement and said center line being more particularly described as follows:

From an existing crimp iron pin, being the most Westerly corner of Lot 1A, Altadena Park Resurvey, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 5, page 111, run in a Northwesterly direction, along the Northeast right of way line of Old Caldwell Mill Road, for a distance of 245.65 feet to an existing crimp iron pin and being the point of beginning of a curve, said curve being concave in a Southwesterly direction and having a central angle of $35^{\circ}18'51''$ and a radius of 263.05 feet; thence turn an angle to the left and run in a Northwesterly direction, along the arc of said curve and along the Northeast right of way line of said Old Caldwell Mill Road, for a distance of 162.13 feet, to the point of ending of said curve; thence continue in a Northwesterly direction, along a line tangent to the end of said curve, and along the Northeast right of way line of said Old Caldwell Mill Road, for a distance of 231.58 feet; thence turn an angle to the right of $31^{\circ}45'$ and run in a Northwesterly direction for a distance of 67.96 feet to a point on the East right of way line of Caldwell Mill Road; thence turn an angle to the right of $31^{\circ}45'$ and run in a Northerly direction, along the East right of way line of said Caldwell Mill Road, for a distance of 162.68 feet to a point of intersection with a curve, being the point of beginning, said curve being concave in a Northwesterly direction and having a central angle of $3^{\circ}36'16''$ and a radius of 2005.22 feet; thence turn an angle to the right ($59^{\circ}20'24''$ to the chord of said curve) and run in a Northeasterly direction, along the arc of said curve, for a distance of 126.15 feet to a point of reverse curve, said latest curve being concave in a Southerly direction and having a central angle of $36^{\circ}13'17''$ and a radius of 58.97 feet; thence turn an angle to the right and run in a Northeasterly and Easterly direction, along the arc of said curve, for a distance of 37.28 feet to the point of ending of said curve; thence run in an Easterly direction, along a line tangent to the end of said curve, for a distance of 102.25 feet, to the point of ending.

LESS AND EXCEPT any part of subject property lying within a road right of way.

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

Deed Tax: \$100.00