20050414000176780 1/2 $15.00
Shelby Cnty Judge of Probate, AL
04/14/2005 02:31:20PM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

R. Shan Paden
PADEN & PADEN
Attorneys at Law
Five Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

MMM PROPERTIES, LLC
2236 CAHABA VALLEY DRIVE
BIRMINGHAM, AL 35242

STATE OF ALABAMA)
COUNTY OF SHELBY)

STATUTORY WARRANTY DEED

Know All Men by These Presents: That in consideration of FOUR MILLION EIGHTY FOUR THOUSAND TWO HUNDRED FIFTY DOLLARS and 00/100 ($4,084,250.00) DOLLARS to the undersigned grantor, TIMBERLINE DEVELOPMENT, LLC, in hand paid by the GRANTEE herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto MMM PROPERTIES, LLC, (herein referred to as GRANTEE, the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOTS 26-56, 56B, 57-77, 79-154, 156, AND 159-162 ACCORDING TO THE SURVEY OF THE RESERVE AT TIMBERLINE AS RECORDED IN MAP BOOK 34, PAGES 117 A, B, C AND D IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2004 WHICH CONSTITUTES A LIEN BUT IS NOT DUE AND PAYABLE UNTIL OCTOBER 1, 2005.

2. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO AS RECORDED IN REAL 34, PAGE 130; REAL 240, PAGE 935; REAL 34, PAGE 917; REAL 37, PAGE 593; VOLUME 239, PAGE 526 AND VOLUME 271, PAGE 918.

3. RIGHT OF WAY GRANTED TO SOUTH CENTRAL BELL TELEPHONE COMPANY RECORDED IN REAL 168, PAGE 563; REAL 257, PAGE 174 AND VOLUME 311, PAGE 435.

4. LESS AND EXCEPT ANY PART LYING WITHIN ANY ROAD RIGHT OF WAY AND RAILROAD RIGHT OF WAY.

5. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN VOLUME 323, PAGE 131; VOLUME 219, PAGE 75 AND INST. NO. 2002-6355.

6. COVENANTS AND RESTRICTIONS OF RECORD AS RECORDED IN INSTRUMENT 20050329000141930 IN THE OFFICE OF THE JUDGE OF PROBATE, SHELBY COUNTY, ALABAMA.

7. ANY OTHER ENCUMBRANCES OR MATTERS OF RECORD AFFECTING THE ABOVE DESCRIBED REAL ESTATE OR ANY MATTER THAT WOULD BE REFLECTED BY AN ACCURATE ALTA SURVEY OF THE SAID REAL ESTATE.

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$4,054,250.00 of the consideration herein derived from a mortgage closed simultaneously herewith.

TO HAVE AND TO HOLD unto the said GRANTEE her/his heirs and assigns, forever.

And said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns shall warrant and defend the same to the said GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons claiming by, through or under the undersigned but not further or otherwise.

IN WITNESS WHEREOF, the said LARRY CLAYTON AS MANAGER OF TIMBERLINE DEVELOPMENT, LLC, has hereunto subscribed her name on this the 30th day of March, 2005.

TIMBERLINE DEVELOPMENT, LLC

LARRY CLAYTON, MANAGER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that LARRY CLAYTON, whose name as MANAGER of TIMBERLINE DEVELOPMENT, LLC, an Alabama Limited Liability Company, 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, he or she, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand this the 30th day of March, 2005.

Connie S. Carter
Notary Public

My commission expires:_____