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Shelby Cnty Judge of Probate,AL
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STATE OF ALABAMA)

SHELBY COUNTY)

VERIFIED CLAIM OF LIEN

BELLANCA PAVING, INC. a corporation organized under the laws of the State of Alabama, by and through MARTIN ODOM, its President, who has personal knowledge of the facts contained herein set forth, files this statement in writing, verified by his oath. That Bellanca Paving, Inc. claims a lien upon certain real property described in Exhibit "A" which is attached herein lying and situated in Shelby County, in the State of Alabama.

SEE ATTACHED EXHIBIT "A"

This lien is claimed, separately and severally, as to the land, buildings and improvements thereon to the extent of the entire lot or parcel that is contained within a city or town. If said land is not within a city or town, this lien is claimed, separately and severally, as to the building and improvements located on the above-described real property plus an additional one acre.

This lien is claimed on the above-mentioned land, buildings and improvements to secure the indebtedness owed to BELLANCA PAVING, INC. by THE BLUFFS AT BIRMINGHAM, L.P., Owners and PRS CONSRUCTION, LLC., General Contractor, in the amount of ONE HUNDRED SIXTEEN THOUSAND ONE HUNDRED SIX and 80/100-----DOLLARS ($116,106.80) plus interest, attorney's fees and costs, said sum being due and owing after all credits have been given, and which sum, plus attorney's fees and interest thereon is presently due and unpaid. PRS CONSTRUCTION LLC was the general contractor on said job and contracted BELLANCA PAVING, INC. to furnish its labor, equipment and materials to complete said job.

The above-mentioned job was completed on May 3, 2005, to the satisfaction of Owner and General Contractor, and no objection to labor or materials has been made. The above sum of money is due and owing for materials, labor and equipment supplied by BELLANCA PAVING, INC. The job required the use of the manpower (labor) of Bellanca Paving, Inc., and the use of its materials and equipment to complete work throughout the said property.

The owner or proprietor of the above-described real property is The Bluffs at Birmingham, L.P. and the General Contractor is PRS Construction, LLC and both have been notified in writing of this claim.

Martin Odom

MARTIN ODOM, President
BELLANCA PAVING, INC..

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STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for the State of Alabama, at Large, hereby certify that Martin Odom as President of Bellanca Paving, Inc. whose name is signed to the foregoing Verified Claim of Lien in the above cause, is known to me, and he informing me the contents of the Verified Claim of Lien is true and correct.
That Martin Odom has in his capacity as such officer and with full authority, executed the same voluntarily for and as the act of said corporation signed the foregoing before me in my presence on the day the same bears date.

Sworn to and subscribed before me on this the 31 day of May, 2005.

NOTARY PUBLIC

My Commission Expires
June 28, 2008

THIS INSTRUMENT WAS PREPARED BY:

CLINTON H. RITCHIE, JR.
ATTORNEY AT LAW
1356 HUEYTOWN ROAD
HUEYTOWN AL 35023
(205) 491-0085

Exhibit "A"

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SEND TAX NOTICE TO:
The Bluffs at Birmingham, L.P.
11040 Crabapple Road
Roswell, GA 30075

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995,000.00

STATE OF ALABAMA

COUNTY OF SHELBY

STATUTORY WARRANTY DEED

THIS IS A STATUTORY WARRANTY DEED executed and delivered this 23rd day of December, 2003, by BIRMINGHAM LAND HOLDINGS, LLC, a Georgia limited liability company (hereinafter referred to as "Grantor"), to THE BLUFFS AT BIRMINGHAM, L.P., a Georgia limited partnership (hereinafter referred to as "Grantee").

KNOW BY ALL MEN THESE PRESENTS:

That in consideration of Ten and No/100ths Dollars ($10.00), in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, the Grantor does by these presents, grant, bargain, sell and convey unto Grantee the following real estate described in Exhibit A attached hereto and located in Shelby County, Alabama (the "Property").

TOGETHER WITH all appurtenances thereto belonging or in anywise appertaining and all rights, title and interest of Grantor in and to any and all roads, alleys and ways bounding the Property.

This conveyance is subject to those items listed on Exhibit B attached hereto.

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

The said Grantor does for itself, its successors and assigns, covenant with said Grantee, its successors and assigns, that it, and its successors and assigns, shall warrant and defend the same to the said Grantee, its successors and assigns, forever, against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under the Grantor, but not further or otherwise.

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IN WITNESS WHEREOF, the said Grantor has caused this Deed to be executed on the date first above written.

GRANTOR:

BIRMINGHAM LAND HOLDINGS, LLC,
a Georgia limited liability company

By: _____
Name: _____
Its: _____

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STATE OF Georgia

COUNTY OF Gwinnett

I, the undersigned authority, a Notary public in and for said County, in said State, hereby certify that J.L. Kennedy whose name as Manager of Birmingham Land Holdings, LLC, a Georgia limited liability company, is signed to the foregoing Statutory Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Statutory Warranty Deed, he in his capacity as such Manager and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears such date.

Given under my hand this the 23RD day of December, 2003.

Notary Public

My commission expires:

THOMAS J. ANDERSEN NOTARY PUBLIC GWINNETT COUNTY, GEORGIA MY COMM. EXPIRES 2/22/06

[NOTARIAL SEAL]

This instrument was prepared by:
Wm. Scott Schulten, Esq.
Schulten Ward & Turner
260 Peachtree Street
Suite 2700
Atlanta, GA 30303

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EXHIBIT A

LOT 2B – CAHABA RIVER PARK
FIRST ADDITION – PHASE II
LEGAL DESCRIPTION

Lot 2B, Cahaba River Park First Addition - Phase II, as recorded in Map Book 32, Page 77 in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of said Lot 2B, said point lying on the West line of the NW 1/4 of the NE 1/4 of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama, said point also being a common corner of Lot 1B, Cahaba River Park First Addition – Phase II, and lying on the Easterly line of Lot 16, Cahaba River Lake Estates First Sector, as recorded in Map Book 67, Page 13 in the office of the Judge of Probate of Jefferson County, Alabama; thence North 90°00'00" East along the common line of said Lot 2B and Lot 1B a distance of 240.00 feet to a found W.S. capped iron; thence South 39°30'23" East along the common line of said Lot 2B and Lot 1B a distance of 508.99 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the left having a radius of 377.38 feet, a central angle of 39°05'50" and a chord bearing of South 59°03'18" East; thence in a Southeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 257.51 feet to a found rebar; said point lying on a curve to the left having a radius of 75.00 feet, a central angle of 151°28'09" and a chord bearing of South 89°47'47" East; thence in a Southeasterly, Easterly, and Northeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 198.27 feet to a found rebar; thence North 81°27'42" East along the common line of said Lot 2B and Lot 1B a distance of 185.70 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the right having a radius of 197.54 feet, a central angle of 37°15' and a chord bearing of South 79°54'48" East; thence in an Easterly and Southeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 128.43 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 61°17'08" East along the common line of said Lot 2B and Lot 1B a distance of 14.61 feet to a found rebar lying on the Northwesterly Right-of-Way line of Riverview Road, said point also lying on a curve to the right having a radius of 3779.83 feet, a central angle of 1°29'07" and a chord bearing of South 29°49'50" West; thence in a Southwesterly direction along the arc of said curve and said Northwesterly Right-of-Way line a distance of 97.98 feet to a set W.S. capped iron being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 30°34'20" West along said Northwesterly Right-of-Way line a distance of 80.84 feet to a found rebar, being the P.C. (Point of Curve) of a curve to the right having a radius of 228.06 feet, a central angle of 53°38'30" and a chord bearing of South 57°23'35 West; thence in a Southwesterly direction along the arc of said curve and said Northwesterly Right-of-Way line a distance of 213.52 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 84°12'50" West along said Northwesterly Right-of-Way line a distance of 95.62 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the left having a radius of 499.28 feet, a central angle of 27°06'30" and a chord bearing of South 70°39'35" West; thence in a Southwesterly direction

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along the arc of said curve and along said Northwesterly Right-of-Way line a distance of 236.22 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 57°06'20" West along said Northwesterly Right-of-Way line a distance of 565.19 feet to a found rebar, being the P.C. (Point of Curve) of a curve to the right having a radius of 256.63 feet, a central angle of 43°19'57" and a chord bearing of South 78°46'18" West; thence in a Southwesterly and Westerly direction along the arc of said curve and along the Northwesterly, Northerly and Northeasterly Right-of-Way line of said Riverview Road a distance of 194.09 feet to a found rebar, being the P.T. (Point of Tangent) of said curve; thence tangent to said curve North 79°33'43" West along said Northeasterly Right-of-Way line a distance of 7.35 feet to a found rebar lying on the West line of the NE 1/4 of said Section 35; thence North 00°01'06" East along the West line of said 1/4 section, the West line of said Lot 2B and along the East line of Lots 26, 25, 24, 23, 22 and 21 of Cahaba River Lake Estates Second Sector, as recorded in Map Book 70, Page 43 in the office of the Judge of Probate of Jefferson County, Alabama, and along the East line of the aforementioned Lot 16 of Cahaba River Lake Estates First Sector a distance of 1219.81 feet to a found W.S. capped iron and the Point of Beginning.

Containing 756,405 square feet or 17.365 acres.

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Exhibit B

Permitted Exceptions

1. Taxes and assessments for the year 2003, and subsequent years, which are not yet due and payable.

2. Mineral and mining rights and rights incident thereto recorded in Deed Book 335, page 58, in the Probate Office of Shelby County, Alabama.

3. Underground Utility Easement granted to Cahaba Water Reservations Systems, Inc. recorded in Real Book 108, page 209, in the Probate office of Shelby County, Alabama

4. The following matters of survey as delineated on the survey if Walter Schoel Engineering Company, Inc., dated February 13, 2003, last revised _____.

   a) fence encroaching 0.1' over westerly building line onto subject property;
   b) fence encroaching 0.6' over westerly building line onto subject property;
   c) fence encroaching 1.9 to 2.1 over westerly building line onto subject property.