20050602000265820 1/2 $15.00
Shelby Cnty Judge of Probate,AL
06/02/2005 09:01:19AM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

PADEN & PADEN
5 Riverchase Ridge
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

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

STATE OF ALABAMA)
COUNTY OF SHELBY)

WARRANTY DEED

Know All Men by These Presents: That in consideration of EIGHT HUNDRED THREE THOUSAND DOLLARS and 00/100 ($803,000.00) to the undersigned grantor,MMM PROPERTIES, LLC an Alabama Limited Liability company, in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto HPH PROPERTIES, LLC, (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

Lots 36-39, 58-63, 80-84, 97-98, 129-138, 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 ARE 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 WITH 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 INSTRUMENT 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.

$ 3,956,000.00 of the consideration herein derived from a mortgage closed simultaneously

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herewith.

TO HAVE AND TO HOLD Unto the said GRANTEES, their 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.

IN WITNESS WHEREOF, the said GRANTOR, MMM PROPERTIES, LLC, by its MANAGING MEMBER, ALAN C. HOWARD who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 10th day of May, 2005.

MMM PROPERTIES, LLC

By:_____

ALAN C. HOWARD, MANAGING MEMBER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that ALAN C. HOWARD, whose name as MANAGING MEMBER of MMM PROPERTIES, 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 10th day of May, 2005.

April N. Daylesh

Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 17, 2009
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My commission expires:_____