

The entire purchase price is being secured by a purchase money mortgage being recorded simultaneously herewith.

The property conveyed does not constitute the homestead of Grantor.

This instrument prepared by:  
Stephen P. Leara, Esq.  
Wallace, Jordan, Ratliff & Brandt, L.L.C.  
800 Shades Creek Parkway, Suite 400  
Birmingham, Alabama 35209

Send Tax Notices To:  
DGPelham, LLC  
1025 15<sup>th</sup> Street, Suite B  
Tuscaloosa, Alabama 35401  
Attention: Robert Buchalter

**WARRANTY DEED**

STATE OF ALABAMA     )  
SHELBY COUNTY         )

**KNOW ALL MEN BY THESE PRESENTS**, That in consideration of the sum of Two Hundred Twelve Thousand and No/100 Dollars (\$212,000.00) to the undersigned grantor, **Foresight Development, L.L.C.**, an Alabama limited liability company (hereinafter, the "GRANTOR"), in hand paid by the grantee herein, the GRANTOR does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto **DGPelham, LLC**, an Alabama limited liability company (hereinafter, the "GRANTEE"), the following described real estate situated in Shelby County, Alabama, to-wit:

**SEE ATTACHED EXHIBIT "A"**

**Subject to:**

1. Taxes or special assessment for the year 2005 which are not shown as existing liens by public records and are not yet due payable.
2. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to gas, oil, sand, and gravel in, on and under subject property.
3. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 6, Page 22; Deed Book 101, Page 551.
4. Right of Way granted to Alabama Power Company by instrument(s) recorded in Volume 101, Pages 550 and 551; Deed Book 245, Page 116 and Real Volume 127, Page 63.
5. Right of way to Shelby County, Alabama, as recorded in Volume 135, Pages

- 364 and 365.
6. Easement as described in Deed Book 237, Page 332 and Deed Book 221, Page 264.
  7. Restrictions, easements, reservations and conditions as set out in Instrument # 2001-38749; corrected in Instrument #2001-48296.
  8. Water and Sewer Easement to City of Pelham as recorded in Real Volume 111, Page 673.
  9. Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 185, Page 470.

**TO HAVE AND TO HOLD** to said GRANTEE, its successors and assigns, forever.

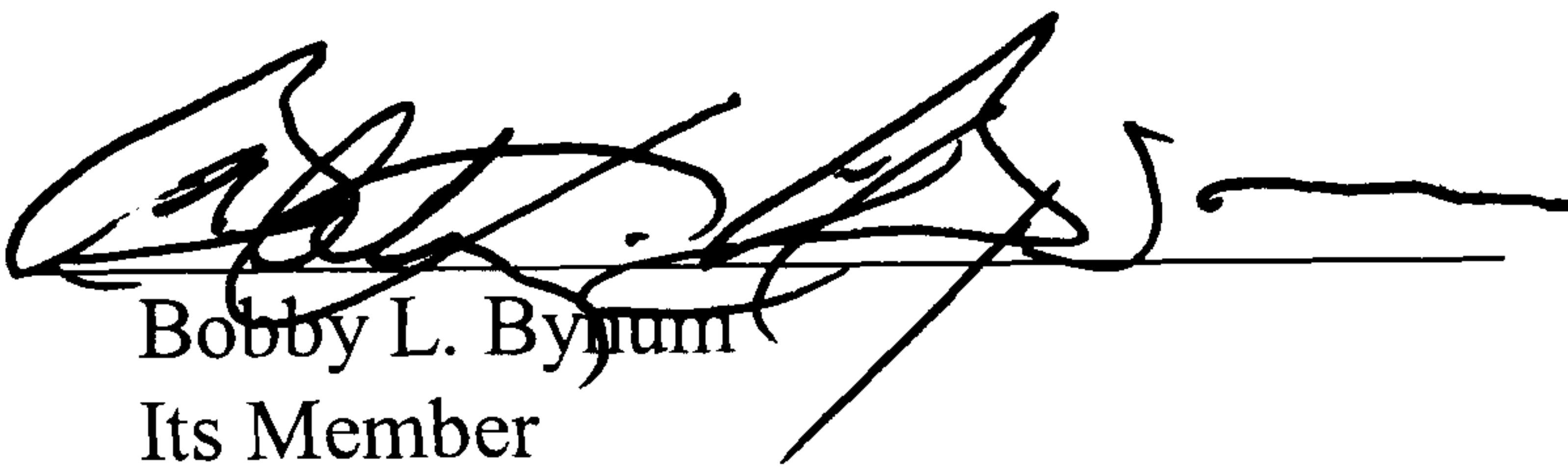
And the GRANTOR does, for itself, its successors and assigns, covenant with the GRANTEE, its successors and assigns, that GRANTOR is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as otherwise noted above; that GRANTOR has a good right to sell and convey the same as aforesaid; that GRANTOR, its successors and assigns shall warrant and defend the same to the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

**[NO FURTHER TEXT ON THIS PAGE]**



IN WITNESS WHEREOF, GRANTOR, has caused its duly authorized officers to hereunto  
set their signatures as the act of such GRANTOR, this the 31st day of May, 2005.

**GRANTOR:**  
**Foresight Development, LLC,**  
an Alabama limited liability company

By:   
Bobby L. Bynum  
Its Member


And

By:   
Paul J. Spina  
Its Member


STATE OF ALABAMA     )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Bobby L. Bynum and Paul J. Spina, whose name as members of **Foresight Development, LLC**, an Alabama limited liability company, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same as and for the act of said limited liability corporation.

Given under my hand and seal this the 31<sup>st</sup> day of May, 2005.

  
NOTARY PUBLIC  
My Commission Expires: 2-6-06

**EXHIBIT A**

  
20050603000271500 4/4 \$21.00  
Shelby Cnty Judge of Probate, AL  
06/03/2005 04:11:57PM FILED/CERT

**Parcel One:**

Lot 2, according to Dollar General's Addition to Pelham, as recorded in Map Book 34, Page 119, in the Probate Office of Shelby County, Alabama.