

This Instrument was prepared by:
John T. Dukes
Helmsing, Leach, Herlong, Newman & Rouse, P.C.
150 Government Street, Suite 2000
Mobile, AL 36502

Send Tax Notice To:
Babington Properties, L.P.
150 Government Str., Ste. 2000
Mobile, AL 36602

STATE OF ALABAMA COUNTY OF SHELBY

1,707,000.00

STATUTORY WARRANTY DEED

THIS STATUTURY WARRANTY DEED is made the <u>20</u> day of June, 2005, by **NOM BIRMINGHAM, LTD.**, an Alabama limited partnership, whose office address is 250 Washington Street, Prattville, Alabama 36067 (hereinafter referred to as the "Grantor"), to **BABINGTON PROPERTIES, L.P.**, an Alabama limited partnership, whose office address is 150 Government Street, Suite 2000, Mobile, Alabama 36602 (hereinafter referred to as the "Grantee"). Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, corporations, partnerships and limited liability companies.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain real property situate, lying and being in Shelby County, Alabama (hereinafter referred to as the "Property"), and being more particularly described in Exhibit "A", attached hereto and made a part hereof.

TOGETHER, with all and singular, the rights, members, privileges, hereditaments, easements, appurtenances, and improvements thereunto belonging or in anywise appertaining thereto.

TO HAVE AND TO HOLD unto said Grantee, and to the successors in interest and assigns of Grantee, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor. This conveyance is subject to the following, but this reference shall not reimpose same:

- 1. 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 the Property.
 - 2. Taxes for the year 2005 not yet due and payable.
- 3. Rights-of-Ways granted to Shelby County by instruments recorded in Deed Book 177 Page 50, Deed Book 177 Page 51, Deed Book 216 Page 17.



- 4. Transmission line Right-of-Way granted to Alabama Power Company by instrument recorded in Deed Book 129 page 560.
- 5. Restrictions set out in statutory warranty deed from Harco, Inc. to NOM Birmingham, Ltd., dated March 5, 2002 recorded as Instrument #2002-13155.
- 6. Utility easement granted to Alabama Power Company by Instrument Number 20050204000057440.

All recordations mentioned herein refer to the records in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office").

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and delivered in its name by its corporate officer thereunto duly authorized, effective as of the day and year first above written.

GRANTOR:

NOM BIRMINGHAM, LTD., an Alabama limited partnership By: Corporate General, Inc.,

an Alabama corporation its Sole General Partner

By:
Name: Mark mc Donal
Title: UP

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Medical, whose name as _______ of Corporate General, Inc., an Alabama corporation, in its capacity as General Partner of NOM Birmingham, Ltd., an Alabama limited partnership, 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 the instrument, he, in his capacity as such officer and with full authority, executed the same voluntarily on the day the same bears date, for and as the act of said Corporate General Inc, as Sole General Partner of said NOM Birmingham, Ltd.

Given under my hand and seal this 6 day of June, 2005.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 11/13/07

(Notary Seal)

Attachment:

Exhibit "A"- Description of the Property

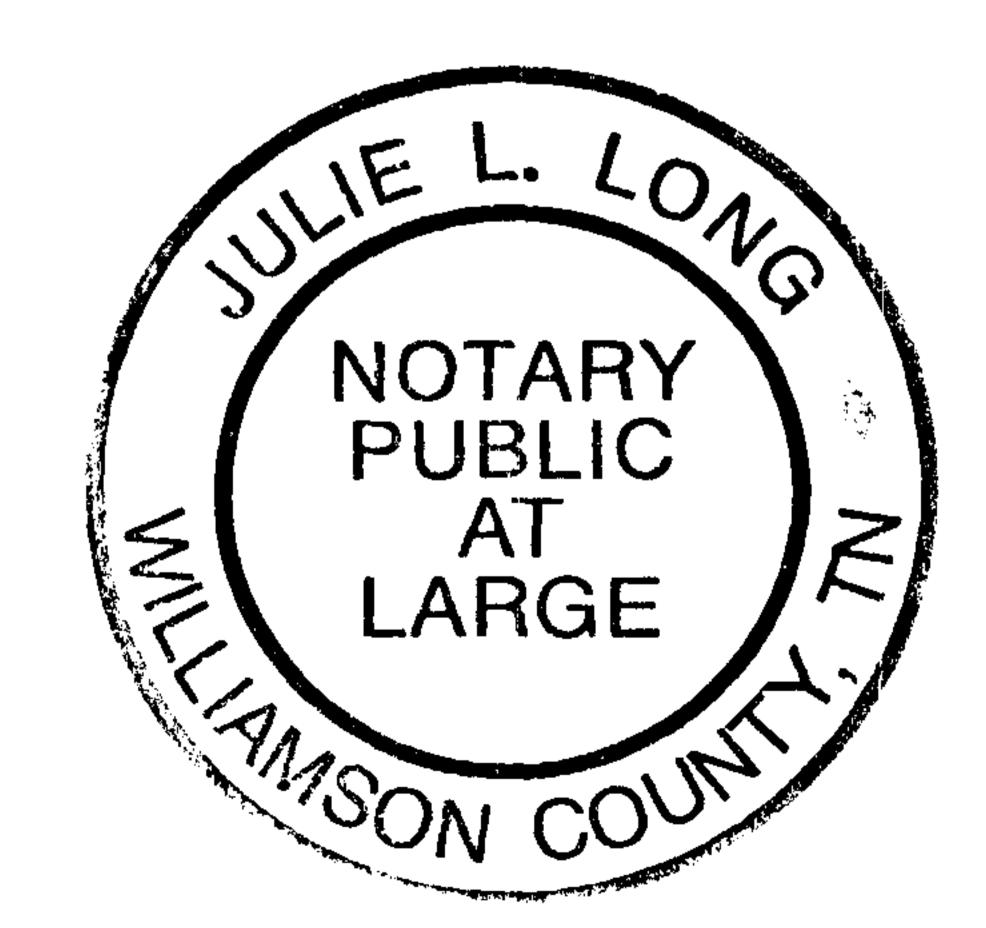


Exhibit "A"
Property

20050628000317900 3/3 \$1724.00 Shelby Cnty Judge of Probate, AL 06/28/2005 08:39:25AM FILED/CERT

Commence at the SW corner of the NE ½ of the NW ½ of Section 15, Township 19 South, Range 2 West, and run S 90 deg. 00 min. 00 sec. E along the South line of said ½ ½ section for 254.03 feet to a point on the Easterly right of way line of Caldwell Mill Road and the Point of beginning of the tract of land herein described; thence run N 37 deg. 35 min. 31 sec. W along said right of way line for 50.11 feet, thence run N 12 deg. 09 min. 54 sec. E for 99.77 feet to a point on the Southerly right of way line of Valleydale Road and the point of beginning of a curve to the right having a radius of 781.30 feet, thence run along said curve and said right of way line a chord bearing of N 67 deg. 36 min. 33 sec. E for 213.37 feet, thence run S 13 deg. 56 min. 29 sec. E for 224.91 feet, thence run S 89 deg. 56 min. 42 sec. E for 49.01 feet, thence run S 52 deg. 46 min. 09 sec. W for 230.12 feet to a point on said easterly right of way line of Caldwell Mill Road; thence run N 37 deg. 35 min. 31 sec. W along said right of way line for 175.77 feet to the point of beginning; being situated in Shelby County, Alabama.

Shelby County, AL 06/28/2005 State of Alabama

Deed Tax:\$1707.00