20050628000318140 1/2 $15.00
Shelby Cnty Judge of Probate,AL
06/28/2005 09:48:17AM 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 SEVEN HUNDRED FIFTEEN THOUSAND DOLLARS and 00/100 ($715,000.00) to the undersigned grantor, ARBOR HILLS, 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, an Alabama Limited Liability company(herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

Lots 165, 166, 190, 214-217, 219-221, according to the Final Plat of Arbor Hill Phase III, as recorded in Map Book 33, Page 142, in the Probate Office of Shelby County, Alabama.

Lot 70, according to the Final Plat of Arbor Hill Phase II, as recorded in Map Book 33, Page 23, 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 YET DUE AND PAYABLE UNTIL OCTOBER 1, 2005.

2. EASEMENT(S), BUILDING LINE(S) AND RESTRICTION(S) AS SHOWN ON RECORDED MAP.

3. ASSIGNMENT OF DEVELOPERS RIGHTS AS RECORDED IN INSTRUMENT NO. 2002-30821.

4. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN REAL 65, PAGE 1 AND DEED BOOK 332, PAGE 554.

5. AGREEMENT WITH ALABAMA POWER COMPANY AS TO UNDERGROUND CABLE AS RECORDED IN REAL 69, PAGE 445, AND COVENANTS PERTAINING THERETO AS RECORDED IN REAL 69, PAGE 458.

6. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES RELATING THERETO INCLUDING RIGHTS SET OUT IN DEED BOOK 121, PAGE 294; DEED BOOK 127, PAGE 140; DEED BOOK 9, PAGE 302; DEED BOOK 255, PAGE 168; DEED BOOK 6, PAGE 16; AND DEED BOOK 111, PAGE 625.

7. TRANSMISSION LINE PERMITS TO ALABAMA POWER COMPANY AS RECORDED IN DEED BOOK 136, PAGE 34; DEED BOOK 151, PAGE 449; DEED BOOK 136, PAGE 28 AND DEED BOOK 108, PAGE 363.

8. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN DEED BOOK 332, PAGE 554.

9. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGETHER

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WITH ALL MINING RIGHTS AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES RELATING THERETO INCLUDING RELEASE OF DAMAGES INCLUDING RIGHTS SET OUT IN DEED BOOK 121, PAGE 294; DEED BOOK 127, PAGE 140; DEED BOOK 9, PAGE 302; DEED BOOK 255, PAGE 188; DEED BOOK 6, PAGE 16; DEED BOOK 111, PAGE 625 AND DEED BOOK 268, PAGE 344.

10. RESTRICTIONS AND COVENANTS APPEARING OF RECORD IN INST. NO. 2003-59578

11. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN INST. NO. 2004-12713.

ALL
~~$.00~~ of the consideration herein derived from a mortgage closed simultaneously 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, ARBOR HILLS, LLC, by its MANAGING MEMBER, ALAN HOWARD who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 27th day of May, 2005.

ARBOR HILLS, LLC

By: _____
ALAN 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 HOWARD, whose name as MANAGING MEMBER of ARBOR HILLS, 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 27th day of May, 2005.

April N. Dalglish
Notary Public

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