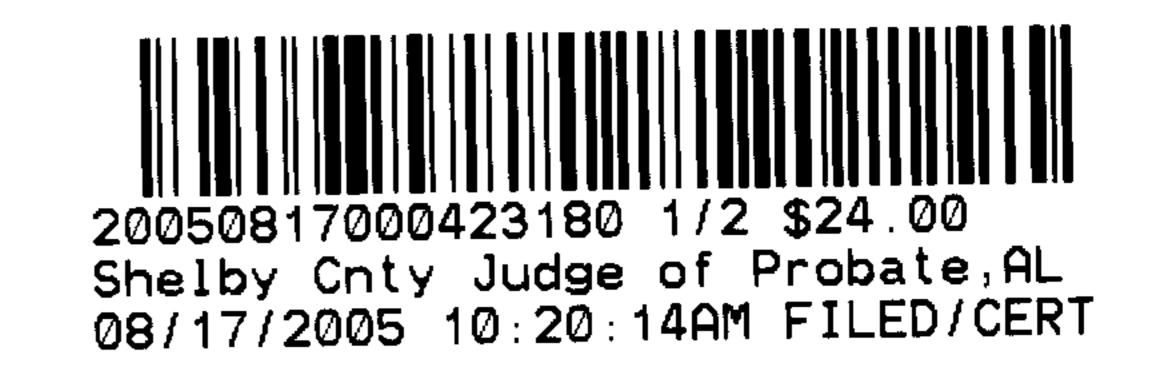
Send Tax Notice To:

CITATION HOMES, INC.

S/ Comply Con

Clockse. 35043



This instrument was prepared by:

Mike T. Atchison
P O Box 822
Columbiana, AL 35051

WARRANTY DEED

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS

SHELBY COUNTY

That in consideration of TWO HUNDRED NINETY FIVE THOUSAND and NO/00 (\$295,000.00), and other good and valuable considerations to the undersigned grantor, in hand paid by grantee herein, the receipt whereof is acknowledged, I or we,

BITE FAMILY PARTNERSHIP, LTD

grant, bargain, sell and convey unto,

CITATION HOMES, INC.

the following described real estate, situated in: SHELBY County, Alabama, to-wit:

Lots 1, 2, and 3, according to the map of Highgate Manor Subdivision, as recorded in Map Book 35, Page 78, in the Probate Office of Shelby County, Alabama.

Situated in Shelby County, Alabama.

The above described real estate conveyed hereby to the Grantee constitutes a portion of the contiguous real estate owned by the Grantor. The remaining parcel of real estate retained by the Grantor is identified as Lot 4, according to the Plat of Highgate Manor filed for record in Map Book 35, Page 78, Office of the Judge of Probate of Shelby County, Alabama (hereafter "Lot 4"). The provision which follows is an integral part of the entire transaction expressed in this Deed of Conveyance and shall constitute a covenant running with the land with respect to the real estate conveyed hereby to the Grantee. Lot 4 is an unimproved lot which fronts on Valleydale Road, a public road in Shelby County, Alabama. The Grantee, for itself and on behalf of its successors and assigns, does hereby acknowledge that Lot 4 will be developed for commercial and/or higher density residential use or a combination of such uses. As additional consideration for the sale of the real estate conveyed herein, the Grantee does consent and agree for itself and for its successors and assigns that neither Grantee, nor any successor or assign of Grantee, shall file or register any contest or otherwise object before any forum, including the Planning Commission or the Town Council of the Village of Indian Springs, Alabama (the municipality in which Lot 4 is situated) concerning any efforts by Grantor, its successors and assigns, to (i) reclassify all or any portion of Lot 4 with respect to the applicable zoning ordinances to any commercial or institutional classification (B-1, B-2 or O-1) or for any residential use, including specifically apartments or town homes (R-4 and R-T) or for any mixed use, (ii) obtain any variance under the applicable zoning ordinances, or (iii) obtain the issuance of any license or permit for the sale of alcoholic beverages. This covenant shall run with the land and shall accrue to the benefit of the Grantor, its successors and assigns, with respect to Lot 4, and shall be binding on the Grantee, its successors and assigns.

Subject to restrictions, easements and rights of way of record.

Subject to taxes for 2005 and subsequent years, easements, restrictions, rights of way and permits of record.

\$285,000.00 of the above-recited consideration was paid from a first mortgage recorded simultaneously herewith.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said Grantees, their heirs and assigns, and I am (we are) lawfully seized in fee simple of said premises, that they are free from all encumbrances unless otherwise noted above, that I (we) have a good right to sell and convey the same as aforesaid, that I (we) will, and my (our) heirs, executors and administrators shall, warrant and defend the same to the said Grantees, heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16th day of AUGUST, 2005

BITE FAMILY PARTNERSHIP, LTD MICHAEL H. BITES, JR. AS PARTNER

STATE OF ALABAMA SHELBY COUNTY

I, the undersigned authority, MICHAEL T ATCHISON, a Notary Public in and for said County, in said State, hereby certify that

MICHAEL H. BITES, JR. AS PARTNER OF BITE FAMILY PARTNERSHIP, LTD

whose names 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 they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16TH day of August, 2005.

Notary Public

My Commission Expires: 10-16-08

20050817000423180 2/2 \$24.00 Shelby Cnty Judge of Probate, AL 08/17/2005 10:20:14AM FILED/CERT

> Shelby County, AL 08/17/2005 State of Alabama

Deed Tax: \$10.00