

**THIS INSTRUMENT WAS PREPARED BY:**

M. Beth O'Neill, Esq.  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203

**SEND TAX NOTICE TO:**

The Young Men's Christian Association  
2101 4th Avenue North  
Birmingham, AL 35203

STATE OF ALABAMA  
COUNTY OF JEFFERSON  
COUNTY OF SHELBY

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20050906000458360 1/11 \$42.00  
Shelby Cnty Judge of Probate, AL  
09/06/2005 02:29:31PM FILED/CERT

**STATUTORY WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS** that, for and in consideration of Ten & No/100 Dollars (\$10.00) to the undersigned **SportsFirst, Inc.**, an Alabama corporation (the "Grantor"), in hand paid by **The Young Men's Christian Association of Birmingham**, an Alabama non-profit corporation (the "Grantee"), the receipt of which is acknowledged, the said Grantor does GRANT, BARGAIN, SELL AND CONVEY unto the Grantee, its successors and assigns, that certain real estate situated in Jefferson County and Shelby County, Alabama, and described more particularly in **Exhibit A** attached hereto and made a part hereof (the "Property").

This conveyance is made subject to the Permitted Exceptions described in **Exhibit B** attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** the said Property unto the Grantee, its successors and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and unto its successors and assigns forever.

No word, words, or provisions of this instrument are intended to operate as to imply covenants of warranty except that the Grantor does hereby specially warrant the title to the Property against the lawful claims of all persons claiming by, through or under the Grantor.

**IN WITNESS WHEREOF**, the Grantor, by its representative, who is authorized to execute this Statutory Warranty Deed and to make this conveyance, has hereto set its signature and seal on the date of the acknowledgment of the Grantor's signature below.

**GRANTOR:**

**SPORTSFIRST, INC.**,  
an Alabama corporation

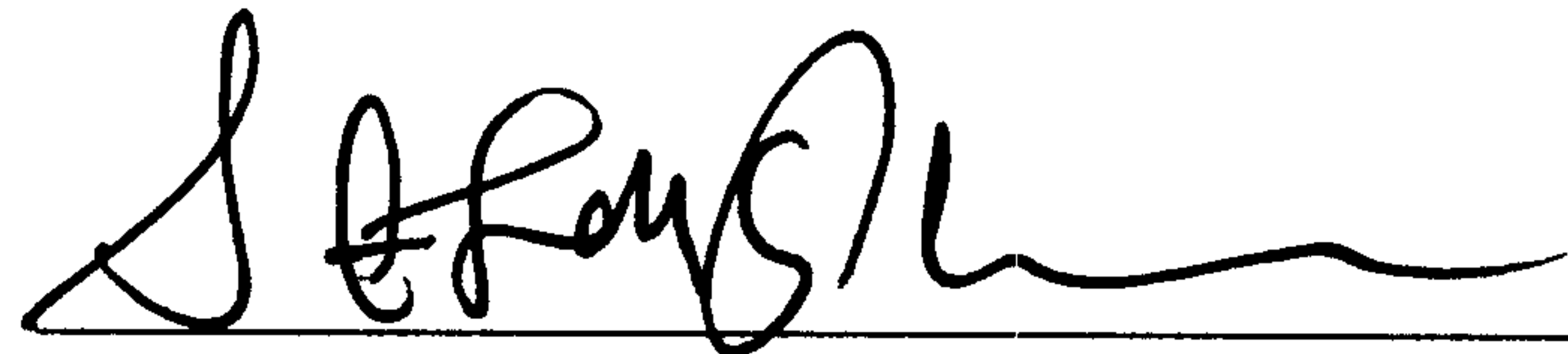
By: 

Name: Douglas C. Davenport  
Its: President

STATE OF ALABAMA       )  
COUNTY OF JEFFERSON    )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Douglas C. Davenport, whose name as President of SportsFirst, Inc., an Alabama corporation, 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 said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.


Given under my hand and official seal this the 31st day of August, 2005.



Notary Public

My commission expires: 7-9-2008

[SEAL]



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## EXHIBIT A

### GREYSTONE

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA, AND RUN IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1336.01 FEET TO A 1½ INCH OPEN PIPE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEFLECT AN ANGLE TO THE LEFT OF 132 DEGREES 49 MINUTES 41 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION A DISTANCE OF 102.14 FEET; THENCE TURN AN INTERIOR ANGLE OF 185 DEGREES 01 MINUTE 08 SECONDS AND RUN TO THE LEFT IN A NORTHWESTERLY DIRECTION A DISTANCE OF 112.31 FEET; THENCE TURN AN INTERIOR ANGLE OF 176 DEGREES 02 MINUTES 57 SECONDS AND RUN TO THE RIGHT IN A NORTHWESTERLY DIRECTION A DISTANCE OF 102.30 FEET; THENCE TURN AN INTERIOR ANGLE OF 106 DEGREES 17 MINUTES 55 SECONDS AND RUN TO THE RIGHT IN A NORTHEASTERLY DIRECTION 276.15 FEET; THENCE TURN AN INTERIOR ANGLE OF 175 DEGREES 00 MINUTES 09 SECONDS AND RUN TO THE RIGHT IN A NORTHEASTERLY DIRECTION A DISTANCE OF 226.42 FEET; THENCE TURN AN INTERIOR ANGLE OF 94 DEGREES 23 MINUTES 04 SECONDS AND RUN TO THE RIGHT IN A SOUTHEASTERLY DIRECTION A DISTANCE OF 57.56 FEET; THENCE TURN AN INTERIOR ANGLE OF 265.00 DEGREES 36 MINUTES 56 SECONDS AND RUN TO THE LEFT IN A NORTHEASTERLY DIRECTION A DISTANCE OF 174.46 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF U.S. HIGHWAY 280, ALSO BEING A POINT ON A CURVE; THENCE TURN AN INTERIOR ANGLE OF 90 DEGREES 32 MINUTES 33 SECONDS TO TANGENT AND RUN TO THE RIGHT IN A SOUTHEASTERLY DIRECTION ALONG SAID RIGHT OF WAY AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2714.79 FEET AND A CENTRAL ANGLE OF 16 DEGREES 34 MINUTES 27 SECONDS FOR A DISTANCE OF 785.31 FEET TO A POINT; THENCE TURN AN INTERIOR ANGLE OF 91 DEGREES 55 MINUTES 23 SECONDS FROM THE TANGENT OF LAST DESCRIBED CURVE AND RUN TO THE RIGHT IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 104.50 FEET; THENCE TURN AN INTERIOR ANGLE OF 112 DEGREES 46 MINUTES 44 SECONDS AND RUN TO THE RIGHT IN A NORTHWESTERLY DIRECTION A DISTANCE OF 378.71 FEET; THENCE TURN AN INTERIOR ANGLE OF 270 DEGREES 18 MINUTES 59 SECONDS AND RUN TO THE LEFT IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 208.95 FEET; THENCE TURN AN INTERIOR ANGLE OF 205 DEGREES 46 MINUTES 45 SECONDS AND RUN TO THE LEFT IN A SOUTHERLY DIRECTION A DISTANCE OF 144.62 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 32; THENCE TURN AN INTERIOR ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AND RUN TO



THE RIGHT IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID SECTION 32 A DISTANCE OF 258.72 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THOSE CERTAIN BENEFITTING RIGHTS GRANTED IN THE RECIPROCAL EASEMENT AGREEMENT RECORDED IN INSTRUMENT 1999/33954, AS MODIFIED BY THAT CERTAIN MODIFICATION OF RECIPROCAL EASEMENT AGREEMENT RECORDED IN INSTRUMENT 2001/07233, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

ALSO TOGETHER WITH THOSE CERTAIN BENEFITTING RIGHTS GRANTED IN THE RECIPROCAL EASEMENT AGREEMENT RECORDED IN INSTRUMENT 20030307000141400 IN SAID PROBATE OFFICE. AS AMENDED BY INSTRUMENT 20050902000 IN SAID PROBATE OFFICE.

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LESS AND EXCEPT:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 1 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 1 WEST AND RUN IN A EASTERLY DIRECTION ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 1336.01 FEET TO THE SOUTHWEST CORNER OF SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE FOR A DISTANCE OF 258.68 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT OF 89 DEGREES 59 MINUTES 53 SECONDS AND RUN IN A NORTHERLY DIRECTION FOR A 144.62 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT OF 205 DEGREES 46 MINUTES 45 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION FOR A DISTANCE OF 208.94 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT OF 270 DEGREES 18 MINUTES 45 SECONDS AND RUN IN A SOUTHEASTERLY DIRECTION FOR A DISTANCE OF 378.74 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT 112 DEGREES 46 MINUTES 58 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION FOR A DISTANCE OF 74.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE LAST DESCRIBED COARSE FOR A DISTANCE OF 30.00 FEET TO THE SOUTHERN-MOST RIGHT OF WAY LINE OF U.S. HIGHWAY 280, SAID POINT ALSO BEING ON A CURVE TURNING TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2714.79 FEET, A CENTRAL ANGLE OF 01 DEGREES 53 MINUTES 58 SECONDS, AN INTERIOR TANGENT ANGLE TO THE RIGHT OF 91 DEGREES 55 MINUTES 42 SECONDS AND A TANGENT DISTANCE OF 45.01; THENCE RUN IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 90.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE TURN AN INTERIOR ANGLE TO THE RIGHT FROM TANGENT OF SAID CURVE 90 DEGREES 02 MINUTES 56 SECONDS AND RUN IN A



SOUTHWESTERLY DIRECTION 29.92 FEET; THENCE TURN AN EXTERIOR ANGLE TO THE LEFT OF 269 DEGREES 03 MINUTES 01 SECONDS AND RUN IN A SOUTHEASTERLY DIRECTION FOR A DISTANCE OF 90.04 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2,719 SQUARE FEET OR 0.06 ACRES MORE OR LESS.

THE ABOVE DESCRIBED LEGAL DESCRIPTION BEING THE SAME PARCEL AS IN THAT CERTAIN QUITCLAIM DEED WITH REVERSION RECORDED AS INSTRUMENT #20040827000480270 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

### **MOUNTAIN BROOK**

#### **Parcel I:**

LOT "A", SCOTT'S RESURVEY, AS RECORDED IN MAP BOOK 128, PAGE 26, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA.

#### **Parcel II:**

LOT 1-B, LANE PARK GARDEN HOMES, AS RECORDED IN MAP BOOK 128, PAGE 77, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA.

#### **Parcel III:**

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 2 WEST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT "A", SCOTT'S RESURVEY, AS RECORDED IN MAP BOOK 128, PAGE 26, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA; THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 126.06 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT OF 92 DEGREES 58 MINUTES 32 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION FOR A DISTANCE OF 119.98 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT OF 194 DEGREES 53 MINUTES 35 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION FOR A DISTANCE OF 85.76 FEET TO A POINT ON A CURVE TO THE LEFT; SAID CURVE HAVING A RADIUS OF 460.14 FEET, A CENTRAL ANGLE OF 24 DEGREES 30 MINUTES 17 SECONDS, AN EXTERIOR CHORD ANGLE TO THE LEFT OF 120 DEGREES 37 MINUTES 29 SECONDS, AND A CHORD DISTANCE OF 195.30 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 196.80 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT FROM CHORD OF SAID



CURVE OF 167 DEGREES 40 MINUTES 51 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION FOR A DISTANCE OF 31.58 FEET; THENCE TURN AN INTERIOR ANGLE TO THE RIGHT OF 108 DEGREES 41 MINUTES 51 SECONDS AND RUN IN A NORTHERLY DIRECTION FOR A DISTANCE OF 26.40 FEET; THENCE TURN A DEFLECTION ANGLE TO THE LEFT OF 108 DEGREES 36 MINUTES 49 SECONDS AND RUN IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 40.00 FEET TO A POINT ON A CURVE TO THE RIGHT; SAID CURVE HAVING A RADIUS OF 428.48 FEET, A CENTRAL ANGLE OF 24 DEGREES 40 MINUTES 15 SECONDS, AN EXTERIOR CHORD ANGLE TO THE LEFT OF 167 DEGREES 39 MINUTES 42 SECONDS, AND A CHORD LENGTH OF 184.79 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 186.22 FEET; THENCE TURN AN EXTERIOR ANGLE FROM THE CHORD OF SAID CURVE TO THE LEFT OF 167 DEGREES 45 MINUTES 08 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION FOR A DISTANCE OF 165.28 FEET; THENCE TURN A INTERIOR ANGLE TO THE RIGHT OF 88 DEGREES 41 MINUTES 57 SECONDS AND RUN IN A SOUTHERLY DIRECTION FOR A DISTANCE OF 225.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 37,707 SQUARE FEET OR 0.87 ACRES MORE OR LESS.

Overall Description:

ALL THE ABOVE DESCRIBED PROPERTY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT "A", SCOTTS RESURVEY, AS RECORDED IN MAP BOOK 128, PAGE 26, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA; THENCE RUN IN A NORTHERLY DIRECTION ALONG THE WESTERN MOST LOT LINE FOR A DISTANCE OF 225.35 FEET TO THE NORTHWEST CORNER OF SAID LOT "A"; THENCE TURN A DEFLECTION ANGLE RIGHT 93 DEGREES 10 MINUTES 14 SECONDS AND RUN IN AN EASTERLY DIRECTION ALONG THE NORTHERN MOST LINE OF SAID LOT "A" FOR A DISTANCE OF 9.58 FEET TO THE SOUTHWESTERN CORNER OF LOT 1-B, LANE PARK GARDEN HOMES, AS RECORDED IN MAP BOOK 128. PAGE 77, IN THE OFFICE OF THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA; THENCE TURN A DEFLECTION ANGLE LEFT 101 DEGREES 50 MINUTES 55 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION ALONG THE WESTERN MOST LINE OF SAID LOT 1-B FOR A DISTANCE OF 22.17 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT OF 02 DEGREES 19 MINUTES 00 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION ALONG THE SAID WESTERN MOST LINE FOR A DISTANCE OF 25.37 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 00 DEGREE 00 MINUTE 10 SECONDS AND RUN IN A NORTHEASTERLY DIRECTION ALONG THE EASTERN-MOST RIGHT OF WAY LINE OF 20TH STREET FOR A DISTANCE OF 114.05 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 00 DEGREE 36 MINUTES 54 SECONDS AND RUN IN A NORTHWESTERLY



DIRECTION ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 18.82 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 80 DEGREES 39 MINUTES 00 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION ALONG THE SAID WESTERN MOST LINE FOR A DISTANCE OF 140.75 FEET; THENCE TURN A DEFLECTION ANGLE LEFT 02 DEGREES 27 MINUTES 00 SECONDS AND RUN IN A NORTHWESTERLY DIRECTION FOR A DISTANCE OF 51.75 FEET TO THE NORTHWESTERN CORNER OF LOT 1-B, LANE PARK GARDEN HOMES; THENCE TURN A DEFLECTION ANGLE RIGHT 101 DEGREES 47 MINUTES 00 SECONDS AND RUN IN A SOUTHEASTERLY DIRECTION ALONG THE NORTHERN MOST LINE OF SAID LOT 1-B FOR A DISTANCE OF 63.68 FEET; THENCE TURN A DEFLECTION ANGLE LEFT 03 DEGREES 15 MINUTES 29 SECONDS AND RUN IN AN EASTERLY DIRECTION ALONG SAID NORTHERN MOST LINE FOR A DISTANCE OF 210.80 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 90 DEGREES 00 MINUTES 00 SECONDS AND RUN IN A SOUTHERLY DIRECTION ALONG THE SAID NORTHERN MOST LINE FOR A DISTANCE OF 42.00 FEET; THENCE TURN A DEFLECTION ANGLE LEFT 90 DEGREES 00 MINUTES 00 SECONDS AND RUN IN AN EASTERLY DIRECTION ALONG THE SAID NORTHERN MOST LINE FOR A DISTANCE OF 125.00 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 16 DEGREES 20 MINUTES 00 SECONDS AND RUN IN A SOUTHEASTERLY DIRECTION ALONG THE SAID NORTHERN MOST LINE FOR A DISTANCE OF 65.24 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 18 DEGREES 10 MINUTES 56 SECONDS AND RUN IN A SOUTHEASTERLY DIRECTION ALONG THE SAID NORTHERN MOST LINE FOR A DISTANCE OF 40.39 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE TURN A DEFLECTION ANGLE RIGHT 52 DEGREES 25 MINUTES 56 SECONDS AND RUN IN A SOUTHERLY DIRECTION ALONG THE EASTERN MOST LINE OF SAID LOT FOR A DISTANCE OF 251.02 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE LEAVING SAID LOT, CONTINUE ALONG LAST DESCRIBED COURSE FOR A DISTANCE OF 26.40 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 71 DEGREES 18 MINUTES 09 SECONDS AND RUN IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 31.58 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 460.14 FEET, A CENTRAL ANGLE OF 24 DEGREES 30 MINUTES 17 SECONDS, A CHORD LENGTH OF 195.30 FEET AND HAVING A DEFLECTION ANGLE TO CHORD OF 12 DEGREES 19 MINUTES 09 SECONDS TO THE RIGHT; THENCE RUN ALONG ARC OF SAID CURVE FOR A DISTANCE OF 196.80 FEET; THENCE TURN A DEFLECTION ANGLE LEFT 59 DEGREES 22 MINUTES 31 SECONDS FROM CHORD, AND RUN IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 85.76 FEET; THENCE TURN A DEFLECTION ANGLE LEFT 14 DEGREES 54 MINUTES 57 SECONDS AND RUN IN A SOUTHERLY DIRECTION FOR A DISTANCE OF 119.98 FEET; THENCE TURN A DEFLECTION ANGLE RIGHT 87 DEGREES 01 MINUTE 28 SECONDS AND RUN IN A WESTERLY DIRECTION FOR A DISTANCE OF 204.32 FEET TO THE SOUTHWEST CORNER OF LOT "A" AND BEING THE POINT OF BEGINNING. SAID PARCEL CONTAINS 221,327 SQUARE FEET OR 5.08 ACRES MORE OR LESS.



THE ABOVE DESCRIBED LEGAL DESCRIPTION BEING THE SAME PARCELS AS IN THOSE CERTAIN DEEDS RECORDED IN REAL 3338, PAGE 60; REAL 2435, PAGE 604; REAL 1435, PAGE 624; AND REAL 3536, PAGE 891; AND INSTRUMENT 200512/2208 IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

### TRUSSVILLE

Lot A, according to the Survey of Valley View Annex, as recorded in Map Book 173, Page 67 in the Probate Office of Jefferson County, Alabama.


Together with that certain beneficial 35' drainage easement per Map Book 173, Page 67 in the Office of the Judge Probate of Jefferson County, Alabama.

Together with the certain beneficial Parking Easement per Instrument No. 200512/2209 in the Office of the Judge of Probate of Jefferson County, Alabama.

### VESTAVIA

Lot 1, according to the Survey of Vestavia Commerce Center, as recorded in Map Book 171, Page 37, in the Probate Office of Jefferson County, Alabama.

TOGETHER WITH those certain benefiting rights and easements granted by that certain Declaration of Covenants and Easement Agreement recorded in Real 4289, Page 615 in said Probate Office, including easements for ingress, egress, passage and access to Lot 1 for vehicular and pedestrian traffic, parking lots covered with asphalt pavement on Lot 2 for the purpose of parking, and easement to all existing facilities on Lot 2 used to provide sanitary sewerage, storm drainage, electricity and water to Lot 1.

  
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## **EXHIBIT B**


### **Permitted Encumbrances**

#### **A. Greystone**

1. Taxes and assessments for the year 2005 and subsequent years, which are not yet due and payable.
2. Rights of others in that certain Reciprocal Easement Agreement recorded in Instrument 1999/33954 and Modification of Reciprocal Easement Agreement recorded in Instrument 2001/7233 in the Probate Office of Shelby County, Alabama.
3. Sign License Agreement recorded in Instrument 20030320000169960 in said Probate Office.
4. Rights of others in that certain Reciprocal Easement Agreement recorded in Instrument 20030307000141400 in said Probate Office.
5. Coal, oil, gas and other mineral interests in, to or under the land.

#### **B. Mountain Brook**

1. Taxes and assessments for the year 2005 and subsequent years, which are not yet due and payable.
2. Building lines as shown by recorded map recorded in Map Book 128, Page 26 and Map Book 128, Page 77 in the Office of the Judge of Probate of Jefferson County, Alabama (Parcel II).
3. 20' sanitary sewer easement as shown by map recorded in Map Book 128, Page 26 and Map Book 128, Page 77 in said Probate Office (Parcel II).
4. Restrictions appearing of record in Real 677, Page 513 and Real 2754, Page 958 in the Probate Office of Jefferson County, Alabama, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin. (Parcel II).
5. Easement to Alabama Power Company recorded in Real 1171, Page 460, in said Probate Office. (Parcel II).
6. Mineral and mining rights and rights incident thereto recorded in Volume 64, Page 69 in said Probate Office. (Parcel II).
7. Restrictions appearing of record in Real 1805, Page 508, and Real 1805, Page 512, in said Probate Office. (Parcel II).

  
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8. Right of Way granted to Alabama Power Company by instrument recorded in Instrument 200114/9547 in said Probate Office. (All Parcels).
9. Coal, oil, gas and other mineral interests in, to or under the land. (Parcels I & II).
10. The following matters of survey as delineated on the survey by Gonzalez-Strength & Associates, Inc. dated August 23, 2005:
  - a. Encroachment of fence over property line.
  - b. Encroachment of parking over property line.
- c. Encroachment of building, pool, tennis court and sheds into 20 foot sanitary sewer easement.

**C. Trussville**

1. Taxes and assessments for the year 2005 and subsequent years, which are not yet due and payable.
2. Easement to Alabama Power company recorded in Instrument 9407/2227 in the Probate Office of Jefferson County, Alabama.
3. Thirty foot driveway easement as shown on Map Book 173, Page 67 in said Probate Office.
4. The following matters of survey as delineated on the survey by Gonzalez-Strength & Associates, Inc. dated August 18, 2005:
  - a. Encroachment of curbing over property line.
  - b. Encroachment of metal building, metal shed and fence into building setback lines.

**D. Vestavia**

1. Taxes and assessments for the year 2005 and subsequent years, which are not yet due and payable.
2. Easement granted to Emergency Animal Clinic as recorded in Instrument 200108/2399, recorded in the Probate Office of Jefferson County, Alabama.
3. 35' building line as shown by map recorded in Map Book 171, Page 37 in said Probate Office.
4. Easements as shown by recorded map recorded in Map Book 171, Page 37 in said Probate Office.

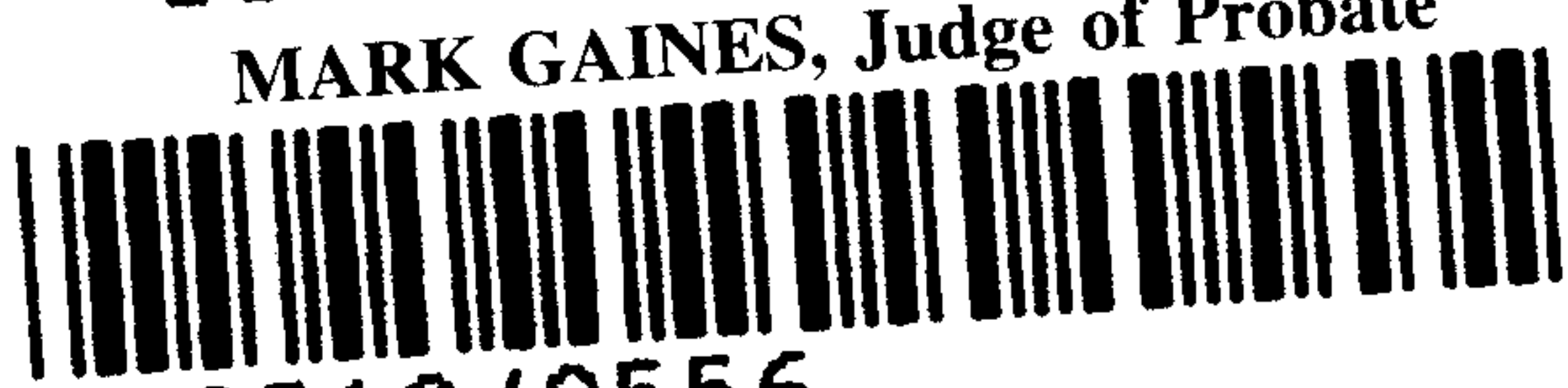
  
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5. Restrictions, Covenants, Conditions, Reservations, Easements, Release of Damages, and mineral and mining rights incident thereto recorded in Volume 5877, Page 38 in said Probate Office.
6. Right of Way granted to Alabama Power Company by instrument recorded in Volume 6319, Page 199; Volume 6319, Page 133, and Volume 3347, Page 652 in said Probate Office.
7. 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 Volume 2373, Page 351 in said Probate Office.
8. Rights of others granted in that certain Declaration of Covenants and Easement Agreement as recorded in Real 4289, Page 615 in said Probate Office.
9. The following matters of survey as delineated on the survey by Gonzalez-Strength & Associates, Inc. dated August 18, 2005:
  - a. Encroachment of curbing over property line.
  - b. Encroachment of curb inlet over property line.
  - c. Encroachment of riprap into 20 foot easement.
  - d. Encroachment of asphalt into 20 foot easement.
  - e. Encroachment of concrete into 20 foot easement.
  - f. Encroachment of metal building into 35 foot building setback line.
  - g. Encroachment of fence line into easement.

STATE OF ALABAMA - JEFFERSON COUNTY  
I hereby certify that no mortgage tax or deed tax  
has been collected on this instrument.

*Mark Gaines* Judge of Probate  
"NO TAX COLLECTED"

State of Alabama - Jefferson County  
I certify this instrument filed on:  
2005 SEP 02 10:14:51:85AM  
Recorded and \$  
and \$ 30.50  
Total \$ 30.50  
Deed Tax and Fee Amt.  
Mtg. Tax  
MARK GAINES, Judge of Probate  
  
200512/2556

  
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