



20051020000545420 1/4 \$275.00
Shelby Cnty Judge of Probate, AL
10/20/2005 09:59:13AM FILED/CERT

Send Tax Notice To:
William and Linda Berry
1100 Haven Road
Hoover, Alabama 35242

Shelby County, AL 10/20/2005
State of Alabama

STATE OF ALABAMA

Deed Tax: \$255.00

SHELBY COUNTY

)
)

EXCHANGE GENERAL WARRANTY DEED

THIS IS AN EXCHANGE GENERAL WARRANTY DEED ("Deed") executed and delivered this 14th of October, 2005, by **DALCO PROPERTIES, LLC**, an Alabama limited liability company ("Grantor"), to **WILLIAM BERRY** and **LINDA BERRY** (collectively, "Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of Four Hundred Fifteen Thousand and 00/100 Dollars (\$415,000.00) in hand paid by Grantee to **Land Title Company, Inc.**, as qualified intermediary in an Internal Revenue Code Section 1031 Tax-Free Exchange pursuant to the terms of an Exchange Agreement dated October 14, 2005, Grantor does by these presents, grant, bargain, sell and convey unto Grantee the property described on **Exhibit "A"** attached hereto and made a part hereof (the "**Property**");

TOGETHER WITH all privileges, easements and appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor in and to any and all roads, alleys and ways bounding the Property.

This Property constitutes Grantor's "relinquished property" conveyed in connection with Grantor's Deferred Tax-Free Exchange pursuant to IRC Section 1031.

This conveyance is subject to the following:

1. Ad valorem taxes for tax year 2005 and subsequent years, not yet due and payable;
2. Easement(s) as shown by recorded Map;
3. Reservation shown in Map Book 31, page 47: "Sink Hole Prone Areas—The Subdivision shown hereon including lots and streets, lies in an area where natural lime sinks may occur. Shelby County, the Shelby County Engineer, the Shelby County Planning Commissioner and the individual members thereof and all other agents, servants or employees of Shelby County, Alabama, make no representations that the subdivision lots and street are safe or suitable for residential construction, or for any other purpose whatsoever." "Area underlain by limestone and thus may be subject to lime sink activity.
4. Mineral and mineral rights and rights incident thereto recorded in Deed Book 121, page 294; Deed Book 243, page 828 and Real 261, page 494, in the Probate Office of Shelby County, Alabama.
5. Covenants and agreement for water services recorded in Real 235, page 574, in the \$160,000.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

1034537-000006 10/11/2005

CLAYTON T. SWEENEY, ATTORNEY AT LAW

Probate Office of Shelby County, Alabama.

6. Declaration of Watershed Protective Covenants recorded in Instrument 2000-17644 and assignment and assumption recorded in Instrument 2000-20625, in the Probate Office of Shelby County, Alabama.
7. Mineral and mining rights and rights incident thereto, release of damages, reservations, restrictions and limitations recorded in Instrument 20021003000479590, in the Probate Office of Shelby County, Alabama.
8. Declaration of Protective Covenants appearing of record in Instrument 1999-50995, First Amendment recorded in Instrument 2000-4911, Second Amendment recorded in Instrument 2000-34390, Third Amendment recorded in Instrument 2000-40197, Fourth Amendment recorded in Instrument 2001-16407, Fifth Amendment recorded in Instrument 2001-48193, Sixth Amendment recorded in Instrument 20020823000401390, Seventh Amendment recorded in Instrument 20021003000479580, Eighth Amendment recorded in Instrument 20030220000107790, Ninth Amendment recorded in Instrument 20030424000253400, in the Probate Office of Shelby County, Alabama.
9. Ground lease recorded in Real 355, page 880; amended by Instrument 1992-4726; further amended by Instrument 1993-3119 and last amended by Instrument 1999-12257, in the Probate Office of Shelby County, Alabama.
10. Easement for Alabama Power Company recorded in Real 133, page 551, Deed book 246, page 848 and Real 142, page 188, in the Probate Office of Shelby County, Alabama.
11. Reciprocal Easement Agreement recorded in Instrument 2001-38396, in the Probate Office of Shelby County, Alabama.
12. Restriction as shown on Map Book 31, page 47, in the Probate Office of Shelby County, Alabama.
13. Easement recorded in Instrument 20040102000001560, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD, to Grantee, their heirs, executors, administrators and assigns forever.

Grantor does further for itself, and its successors and assigns, covenant with Grantee, their heirs, representatives, executors and assigns, that Grantor is lawfully seized in fee simple of the Property, that the Property is free from all encumbrances unless otherwise noted above, that Grantor has a good right to sell and convey the same as aforesaid, that Grantor and Grantor's successors and assigns shall warrant and defend the same to Grantee, their heirs, representatives, executors, and assigns forever, against the lawful claims (unless otherwise noted above) of all persons.

(Signatures appear on the following page)

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the date first written above.

DALCO PROPERTIES, LLC

By: Doug A. Levene
Name: **DOUG A. LEVENE**
Its: Sole Member

STATE OF ALABAMA)
)
Jefferson COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **DOUG A. LEVENE**, whose name as Sole Member of **DALCO PROPERTIES, LLC**, an Alabama limited liability company, is signed to the foregoing Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said Deed, he, in his capacity as such Sole Member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand this the 14th day of October, 2005.



[Signature]
Notary Public
My Commission Expires: 6-5-2007

THIS INSTRUMENT PREPARED BY:
Kelly Wormar
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
420 North 20th Street, Suite 1600
Birmingham, Alabama 35203

EXHIBIT A
LEGAL DESCRIPTION


20051020000545420 4/4 \$275.00
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Lot 1, according to the Survey of The Haven at Greystone, 1st Sector, as recorded in Map Book 31,
Page 47, in the Probate Office of Shelby County, Alabama.