

**This instrument prepared by:**  
Mary Thornton Taylor, Esquire  
% 421 Office Park Drive  
Birmingham, Alabama 35223

**Send tax notice to:**  
Foothills Homes, Inc.  
421 Office Park Drive  
Birmingham, Alabama 35223

**STATUTORY WARRANTY DEED**

**STATE OF ALABAMA     )**  
**) KNOW ALL PERSONS BY THESE PRESENTS:**  
**SHELBY COUNTY         )**

That for and in consideration of Nine Hundred Twenty Thousand and No/100 Dollars (\$920,000.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned **FOOTHILLS PARTNERS, LLC**, an Alabama limited liability company ("Grantor"), does by these presents grant, bargain, sell and convey unto **FOOTHILLS HOMES, INC.**, an Alabama corporation ("Grantee"), the following described real estate situated in Shelby County, Alabama, to-wit:

Lots 1 through 23, inclusive, according to the survey of Foothills Point, Third Sector, as recorded in Map Book 35, Page 136 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama (the "Property").

Together with the nonexclusive easement to use the Common Areas as more particularly described in the Foothills Point Declaration of Covenants, Conditions and Restrictions recorded as Instrument No. 20031223000824110 in said Probate Office (which, together with all amendments thereto, is hereinafter collectively referred to as the "Declaration").

The entire purchase price for the Property was paid from the proceeds of a mortgage loan closed contemporaneously herewith.

The Property is conveyed subject to the following:

- (1) Ad valorem taxes and municipal assessments due and payable October 1, 2006 and all subsequent years thereafter;
- (2) Fire district, library district and municipal assessments for 2006 and subsequent years not yet due and payable, if any;
- (3) Mineral and mining rights not owned by Grantor;
- (4) The terms and provisions of the Declaration;
- (5) As to Lot 1: Variable easement along SE corner of subject Property as per subdivision plat;
- (6) As to Lot 4: 7.5 foot easement and 18" RCP on NE lot line as per subdivision plat;
- (7) As to Lot 5: 7.5 foot easement on SW lot line as per subdivision plat;

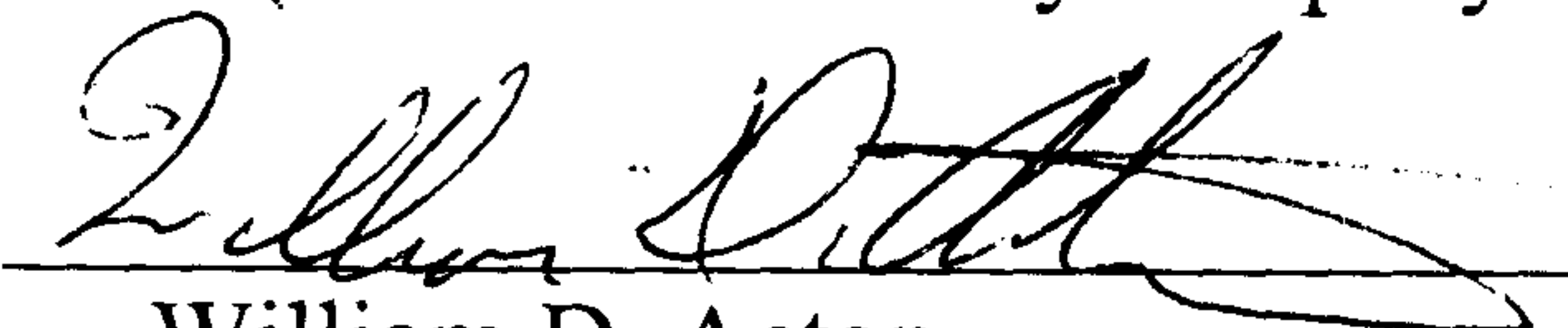


- (8) As to Lot 8: 7.5 foot easement and 18" RCP on NE lot line as per subdivision plat;
- (9) As to Lot 9: 7.5 foot easement on SW lot line as per subdivision plat;
- (10) Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 127, page 317 in said Probate Office;
- (11) Easement of South Central Bell recorded in Deed Book 320, page 931 and Deed Book 336, page 230 in said Probate Office;
- (12) Title to all oil, gas and minerals within and underlying the premises, together with all oil and mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 69, page 177 in said Probate Office;
- (13) Restrictions, limitations and conditions as set out in Map Book 35, Page 136 in said Probate Office;
- (14) Distribution easement to Alabama Power Company as recorded in Instrument No. 20040102000000400; Instrument No. 20040629000354940 and Instrument No. 20040629000355000 in said Probate Office.

**TO HAVE AND TO HOLD** unto the said Grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, Grantor **FOOTHILLS PARTNERS, LLC**, by its Manager who is authorized to execute this Statutory Warranty Deed as provided in Grantor's Articles of Organization, which as of this date have not been modified or amended, has hereto set its signature and seal this 25<sup>TH</sup> day of October, 2005.

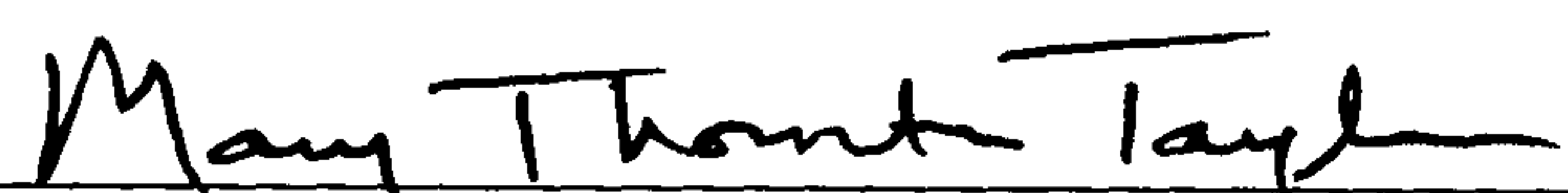
**FOOTHILLS PARTNERS, LLC,**  
An Alabama limited liability company

By:   
William D. Acton  
Its Manager

**STATE OF ALABAMA     )**  
**JEFFERSON COUNTY    )**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **William D. Acton**, whose name as Manager of **FOOTHILLS PARTNERS, 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 such instrument, he executed the same voluntarily for and as the act of said Manager of said limited liability company.

Given under my hand and seal, this 25<sup>TH</sup> day of October, 2005.

  
Notary Public  
My commission expires: 5/27/07

(SEAL)