

20051118000604540 1/4 \$370.00  
Shelby Cnty Judge of Probate, AL  
11/18/2005 03:36:02PM FILED/CERT

This instrument was prepared by:  
Gail Livingston Mills  
Burr & Forman LLP  
420 North 20th Street, Suite 3100  
Birmingham, AL 35203

Send Tax notice to:  
H & E Wise, L.L.C.  
425 Michael Lane  
Birmingham, AL 35213

STATE OF ALABAMA )

SHELBY COUNTY )

350,000

**STATUTORY WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS:** That for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to the undersigned grantor, **HOWARD LAKE PROPERTIES, LLC**, an Alabama limited liability company ("Grantor"), in hand paid by **H & E WISE, L.L.C.**, an Alabama limited liability company ("Grantee"), the receipt and sufficiency whereof are hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey unto Grantee that certain parcel of real estate situated in Shelby County, Alabama, being more particularly described on Exhibit A attached hereto and made a part hereof.

Subject, however, to those matters set forth on Exhibit B attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** unto the said Grantee, its successors and assigns forever, together with every contingent remainder and right of reversion.

**IN WITNESS WHEREOF**, Grantor has caused these presents to be executed by its duly authorized member on this 9<sup>th</sup> day of November, 2005.

**GRANTOR:**

**HOWARD LAKE PROPERTIES, LLC**,  
an Alabama limited liability company

By: \_\_\_\_\_

C. Doug Howard  
Its Sole Member

[ACKNOWLEDGEMENT ON FOLLOWING PAGE]

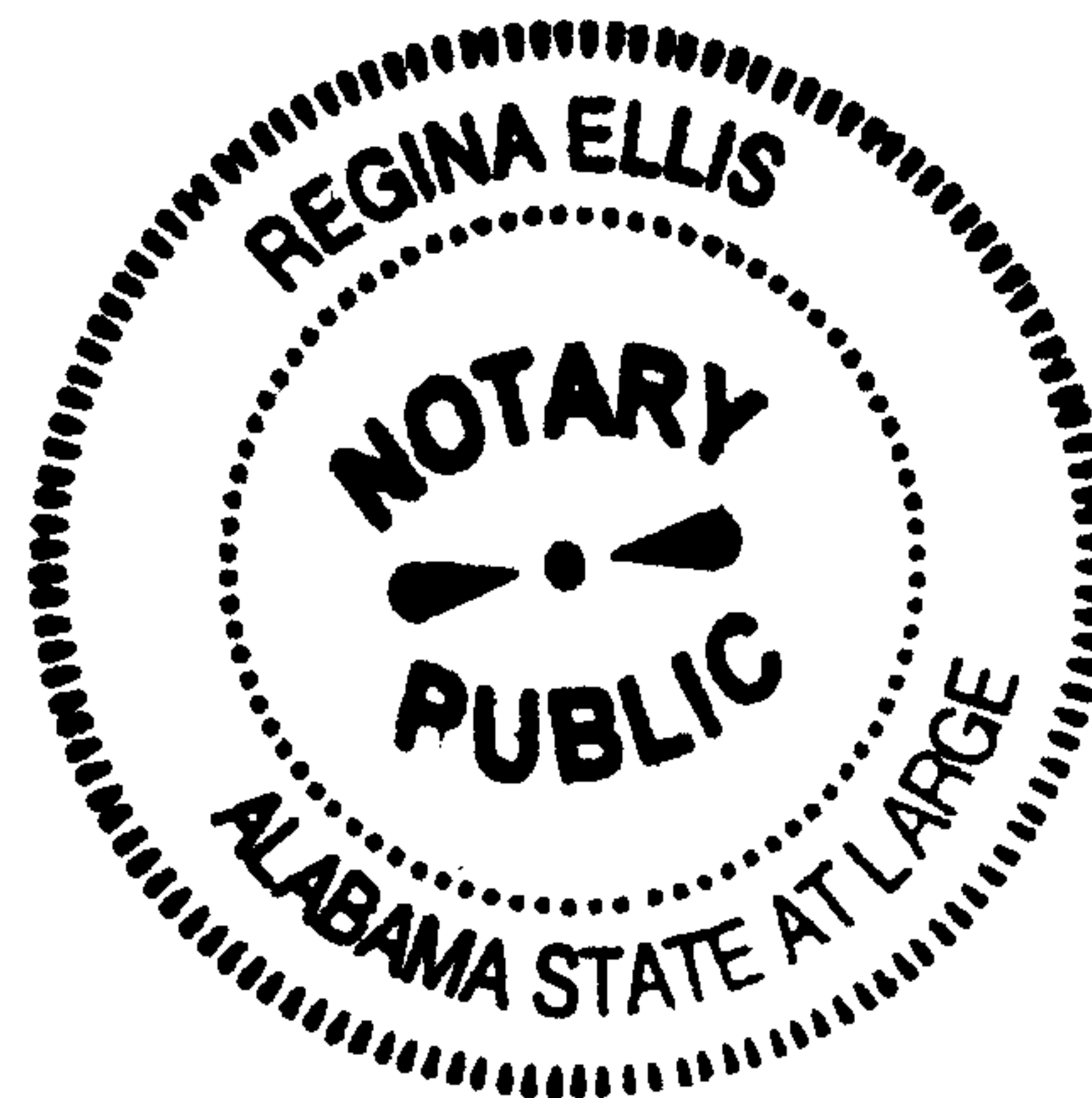
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STATE OF ALABAMA            )  
COUNTY OF JEFFERSON        )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that C. Doug Howard, whose name as sole member of **HOWARD LAKE PROPERTIES, 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, as such member, and with full authority, executed the same voluntarily for and as the act of said limited liability company as of the day the same bears date.

Given under my hand this 4<sup>th</sup> day of November, 2005.

Regina Ellis  
Notary Public Regina Ellis  
My Commission Expires 9-30-09







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## EXHIBIT A

### Legal Description

Commence at the Northwest corner of the NE1/4 of Section 30, Township 18 South, Range 2 East, Shelby County, Alabama; thence run South 68 degrees 28 minutes 04 seconds East, 300.00 feet; thence South 37 degrees 10 minutes 15 seconds West 85.03 feet; thence South 57 degrees 30 minutes 11 seconds West, 34.66 feet; thence South 22 degrees 57 minutes 21 seconds West, 22.63 feet; thence South 13 degrees 14 minutes 41 seconds West, 63.71 feet; thence South 89 degrees 47 minutes 02 seconds West 174.38 feet; thence South 00 degrees 07 minutes 58 seconds East, 186.93 feet; thence along the arc of a curve concave to the Northeast, having a central angle of 02 degrees 19 minutes 13 seconds and a radius of 11,359.16 feet and a chord bearing of South 48 degrees 59 minutes 29 seconds East and also along the Northeast right of way of Central of Georgia Railway for a distance of 459.98 feet; thence North 37 degrees 14 minutes 30 seconds East, 1,139.86 feet; thence North 89 degrees 44 minutes 29 seconds East, 182.87 feet; thence North 30 degrees 06 minutes 00 seconds East, 438.00 feet; thence South 88 degrees 58 minutes 12 seconds West, 1,055.62 feet; thence South 02 degrees 02 minutes 00 seconds West, 232.16 feet; thence South 46 degrees 34 minutes 00 seconds West, 97.10 feet; thence South 65 degrees 21 minutes 52 seconds West, 102.62 feet; thence South 53 degrees, 26 minutes 50 seconds West, 83.92 feet; thence South 53 degrees, 26 minutes 15 seconds West 170.01 feet; thence South 53 degrees 35 minutes, 38 seconds West, 11.27 feet to the point of beginning; being situated in Shelby County, Alabama, and commonly referred to as "Lot 5".



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## EXHIBIT B

### Permitted Exceptions

1. Ad valorem taxes for the current year and for all subsequent years;
2. Transmission Line Permit to Alabama Power Company, recorded in Misc. Book 99, Page 345, and Deed Book 146, Page 398 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), and as shown on survey of James A. Riggins, Reg. No. 9428, dated March 7, 1999, being a 100 foot right of way;
3. Right of Way to Central of Georgia Railroad Company, and as shown on survey of James A. Riggins, Reg. No. 9428, dated March 7, 1999;
4. Riparian rights to Pioneer Lake and Hurricane Creek;
5. Rights of others in and to the use of the easements as set out in the Declaration of Easements for Ingress, Egress and Utilities, as set out in instrument recorded as Instrument No. 20050415000178490 in Probate Office;
6. Terms and conditions of Declaration of Easements, Protective Covenants, and Restrictions for Pioneer Lake, a Recreational/Residential Subdivision, dated April 14, 2005, from the Grantor, as the declarant thereunder, recorded as Instrument No. 20050415000178500 in the Probate Office (the "Declaration");
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 Deed Book 121, Page 294 and Deed Book 355, Page 694 in the Probate Office;
8. Rights of others in and to the use of the common areas as shown on survey of James A. Riggins dated March 7, 1999, and as contained in the Declaration and the Articles of Incorporation and By-Laws of the Pioneer Lake Residential Association, Inc., as recorded as Instrument No. 20050415000178510 in Probate Office;
9. Terms and Conditions of Ground Lease of Common Area, recorded as Instrument No. 20050415000178520 in Probate Office; and
10. Subject to terms and conditions of that certain Mortgage from Howard Lake Properties, LLC to Alabama Banker's Bank dated April 14, 2005, covering the "Common Area Parcel" as shown by Instrument No. 20050415000178530 in Probate Office.

Shelby County, AL 11/18/2005  
State of Alabama

Deed Tax: \$350.00