

THIS INSTRUMENT WAS PREPARED BY:

Richard W. Theibert, Esq.  
Najjar Denaburg, P.C.  
2125 Morris Avenue  
Birmingham, Alabama 35203

Shelby County, AL 12/22/2005  
State of Alabama

Deed Tax: \$600.00

SEND TAX NOTICE TO:  
I.S. Lincoln Oaks Limited Partnership  
980 N. Federal Highway, Suite 307  
Boca Raton, FL 33432

## WARRANTY DEED

THE STATE OF ALABAMA )

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF SHELBY )

That in consideration of Eight Million Eight Hundred Thousand and no/100 Dollars (\$8,800,000.00), in hand paid to the undersigned, American Investments, L.L.C., a limited liability company, (hereinafter referred to as "GRANTOR"), by I.S. Lincoln Oaks Limited Partnership, a Michigan limited partnership, (hereinafter referred to as "GRANTEE"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEE the following described real estate, located and situated in Shelby County, Alabama, to wit:

**SEE EXHIBIT "A" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS IF SET OUT FULLY HEREIN.**

Subject to:

1. Ad valorem taxes for the current year, 2006, not yet due or payable.
2. Declaration of Protective Covenants and Common Area Maintenance Agreement as recorded in Instrument #2000-06720.
3. Sanitary Sewer Easement recorded in Instrument #2000-06721.
4. Easement Agreement as recorded in Instrument #2000-06722.
5. Supplemental deed and agreement for sanitary sewer and easements as recorded in Book 365, Page 876.
6. Terms and conditions as set out in Book 324, Page 845.
7. Riparian and other rights created by the fact that the subject property fronts Lake Heather.
8. Right of way to Alabama Power Company as set out in instrument(s) recorded in Book 34, Page 620; Deed Book 320, Page 22,; contained in Misc. Book 14, Page 420



and Book 27, Page 853; Deed Book 326, Page 141; Instrument #1993-28297, Deed Book 217, Page 96; and Deed Book 121, Page 140.

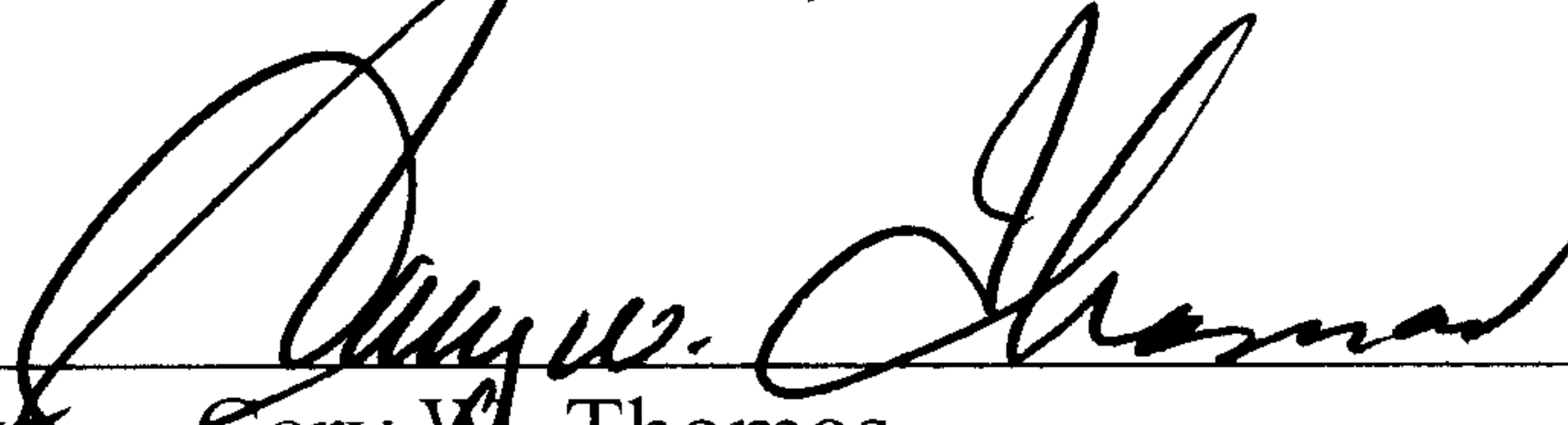
9. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 119, Page 190; Deed Book 4, Page 422 and Deed Book 48, Page 427.
10. Easement and building line as shown on map recorded in Map Book 26, Page 147.

TO HAVE AND TO HOLD to the said GRANTEE, its successors and assigns forever.

And said American Investments, L.L.C., does for itself, its successors and assigns, covenant with the said GRANTEE, its successors and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid; that it will and its successors and assigns shall, warrant and defend the same to the said GRANTEE, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Gary W. Thomas, Managing Member of American Investments, L.L.C. has hereto set his signature and seal, this 16 day of December, 2005.

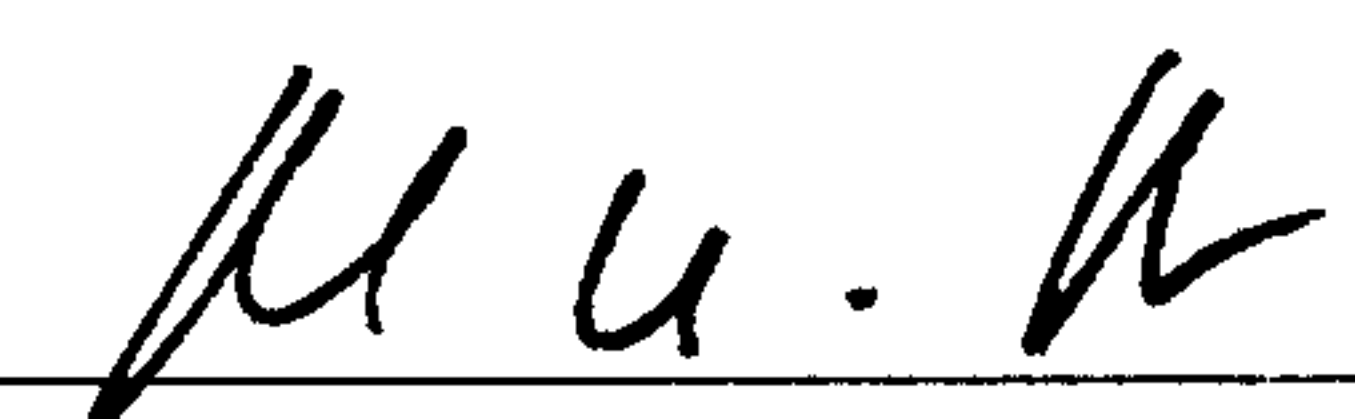
American Investments, L.L.C.

  
By: Gary W. Thomas  
Its: Managing Member

THE STATE OF ALABAMA  
COUNTY OF JEFFERSON

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Gary W. Thomas, whose name as Managing Member of American Investments, L.L.C., a 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 managing member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

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

  
NOTARY PUBLIC  
My commission expires 5/21/2008



## EXHIBIT "A"



20051222000660440 3/4 \$620.00  
Shelby Cnty Judge of Probate, AL  
12/22/2005 02:10:01PM FILED/CERT

### Legal Description of Property

#### PARCEL I:

The Lot called Inverness Site – 6, of the Inverness Sites 6 and 7 Survey as recorded in Map Book 26, Page 147, in the Probate Office of Shelby County, Alabama, being more particularly described as follows:

Being situated in the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West and in the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, and run North along the West line of same 245.81 feet to a point on the Northeasterly line of herein described tract; thence a deflection angle right of 136 degrees 40 minutes 00 seconds and run in a Southeasterly direction 90.74 feet to the point of beginning of herein described tract; thence an interior angle of 223 degrees 21 minutes 11 seconds and run to the left in a Southeasterly direction, a distance of 115.64 feet to a point on the 496 contour and water line of Lake Heather; thence the following meanderings of said 496 contour of Lake Heather; thence an interior angle of 100 degrees 01 minutes 33 seconds and run to the right in a Southeasterly direction, a distance of 58.01 feet; thence an interior angle of 217 degrees 26 minutes 17 seconds and run to the left in a Southeasterly direction, a distance of 73.65 feet; thence an interior angle of 169 degrees 24 minutes 08 seconds and run to the right in a Southeasterly direction, a distance of 86.17 feet; thence an interior angle of 187 degrees 52 minutes 34 seconds and run to the left in a Southeasterly direction, a distance of 52.93 feet; thence an interior angle of 140 degrees 52 minutes 07 seconds and run to the right in a Southeasterly direction, a distance of 13.47 feet; thence an interior angle of 137 degrees 45 minutes 10 seconds and run to the right in a Southwesterly direction, a distance of 40.06 feet; thence an interior angle of 160 degrees 58 minutes 50 seconds and run to the right in a Southwesterly direction, a distance of 78.87 feet; thence an interior angle of 183 degrees 03 minutes 35 seconds and run to the left in a Southwesterly direction, a distance of 76.46 feet; thence an interior angle of 182 degrees 11 minutes 25 seconds and run to the left in a Southwesterly direction, a distance of 63.51 feet; thence an interior angle of 159 degrees 30 minutes 32 seconds and run to the right in a Southwesterly direction, a distance of 17.72 feet; thence an interior angle of 140 degrees 49 minutes 18 seconds and run to the right in a Northwesterly direction, a distance of 20.38 feet; thence an interior angle of 133 degrees 25 minutes 59 seconds and run to the right in a Northwesterly direction, a distance of 36.39 feet; thence an interior angle of 201 degrees 47 minutes 22 seconds and run to the left in a Northwesterly direction, a distance of 24.60 feet; thence an interior angle of 270 degrees 28 minutes 02 seconds and run to the left in a Southwesterly direction, a distance of 43.95 feet; thence an interior angle of 147 degrees 21 minutes 47 seconds and run to the right in a Southwesterly direction, a distance of 43.07 feet; thence an interior angle of 160 degrees 21 minutes 49 seconds and run to the right in a Northwesterly direction 39.13 feet; thence an interior angle of 227 degrees 04 minutes 39 seconds and run to the left in a Southwesterly direction, a distance of 12.65 feet; thence an interior angle of 260 degrees 56 minutes 25 seconds and run to the left in a Southeasterly direction, a distance of 61.31 feet; thence an interior angle of 159 degrees 07 minutes 55 seconds and run to the right in a Southeasterly direction, a distance of 39.52 feet; thence an interior angle of 158 degrees 00 minutes 32 seconds and run to the right in a Southwesterly direction, a distance of 28.74 feet; thence an interior angle of 124 degrees 06 minutes 33 seconds and run to the right in a Southwesterly direction, a distance of 23.58 feet; thence an interior angle of 153 degrees 02 minutes 41 seconds and run to the right in a Northwesterly direction, a distance of 31.66 feet;

thence an interior angle of 160 degrees 26 minutes 05 seconds and run to the right in a Northwesterly direction, a distance of 63.80 feet; thence an interior angle of 142 degrees 49 minutes 05 seconds and run to the right in a Northwesterly direction and leaving said 496 contour of Lake Heather 108.61 feet; thence an interior angle of 197 degrees 44 minutes 26 seconds and run to the left in a Northwesterly direction, a distance of 253.90 feet; thence an interior angle of 142 degrees 43 minutes 32 seconds and run to the right in a Northwesterly direction, a distance of 98.30 feet to a point on a curve to the right, said curve being on the Southeasterly right of way of Inverness Center Parkway, said curve having a radius of 505.62 feet and a central angle of 02 degrees 34 minutes 31 seconds; thence an interior angle of 133 degrees 09 minutes 50 seconds to the tangent of said point on curve and run in a Northeasterly direction along said right-of-way and arc of said curve 22.73 feet to a point of reverse curve to the left, said curve having a radius of 1245.75 feet and a central angle of 15 degrees 44 minutes 48 seconds; thence continue in a Northeasterly direction along said right-of-way and the arc of said curve 342.37 feet to a point of reverse curve of a curve to the right, said curve having a radius of 25.00 feet and a central angle of 100 degrees 41 minutes 45 seconds; thence continue in a Northeasterly to Southeasterly direction leaving said right-of-way and run along the arc of said curve 43.94 feet to the point of tangent; thence run along said tangent in a Southeasterly direction 236.76 feet to the point of beginning.



**PARCEL II:**

Together with the beneficial rights as to real estate and an access easement contained in the easement agreement as recorded in Instrument # 2000-06722, over and across the following described property:

Being situated in the Northwest ¼ of the Southwest ¼ of Section 36, Township 18 South, Range 2 West and the Northeast ¼ of the Southeast ¼ of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the Northwest ¼ of the Southwest ¼ of Section 36, Township 18 South, Range 2 West and run North along the West line of same 245.81 feet to a point on the Northwesterly line of herein described Ingress – Egress Easement and the Point of Beginning of same; thence a deflection angle left of 43 degrees, 20 minutes, 00 seconds and run to left in a Northwesterly direction 146.02 feet to the point of curve of a curve to the left, said curve having a radius of 25.00 feet and a central angle of 100 degrees, 41 minutes, 45 seconds; thence run in a Northwesterly to Southwesterly direction along said arc 43.94 feet to an intersection with a curve to the right on the Southeasterly right-of-way of Inverness Center Parkway, said curve having a radius of 1245.75 feet and a central angle of 1 degrees, 21 minutes, 45 seconds; thence an interior angle of 00 degrees, 00 minutes, 00 seconds from tangent to tangent of said curves and run to the right in a Northeasterly direction along said right-of-way and the arc of said curve 29.62 feet to the point of tangent; thence continue in a Northeasterly direction along said right-of-way 31.29 feet; thence an interior angle of 77 degrees, 56 minutes, 30 seconds and run to the right in a Southeasterly direction 305.48 feet; thence an interior angle of 43 degrees, 21 minutes, 11 seconds and run to the right in a Northwesterly direction 43.70 feet; thence an interior angle of 136 degrees, 38 minutes, 49 seconds and run to the right in a Northwesterly direction 90.74 feet to Point of Beginning.

**PARCEL III:**

Together with the beneficial rights as to real estate and easements contained in the easement agreement recorded as Instrument # 2000-06721.

Lying and being situated in Shelby County, Alabama.