

20060119000028900 1/5 \$858.00  
Shelby Cnty Judge of Probate, AL  
01/19/2006 08:03:45AM FILED/CERT

Send Tax Notice To:  
6531 Properties, Inc.  
c/o Mr. Mark Osborn  
4766 Highway 280  
Birmingham, Alabama 35242

STATE OF ALABAMA                    )  
  
SHELBY COUNTY                        )

**EXCHANGE STATUTORY WARRANTY DEED**

**THIS IS AN EXCHANGE STATUTORY WARRANTY DEED** executed and delivered this 18<sup>th</sup> day of January, 2006, by **MARK EDWARD OSBORN**, a married man and **3165 INVESTMENTS, LLC**, an Alabama limited liability company (hereinafter collectively referred to as "Grantors"), to **6531 PROPERTIES, INC.**, an Alabama corporation (hereinafter referred to as "Grantee").

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of the sum of Eight Hundred Thirty Four Thousand Eight Hundred One and 78/100 Dollars (\$834,801.78) paid by Grantee to Title Exchange Services, LLC, as the Qualified Intermediary of Grantor, pursuant to a deferred, like-kind exchange of Grantor under Section 1031 of the Internal Revenue Code ("I.R.C. §1031") and the regulations promulgated thereunder and that certain Exchange Agreement dated January 18, 2006, the receipt and sufficiency of which are hereby acknowledged by Grantors, Grantors do by these presents, grant, bargain, sell and convey unto Grantee **an undivided one-half (1/2) interest** in the real estate described on **Exhibit A** attached hereto and made a part hereof and situated in Shelby County, Alabama (the "Property");

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

This conveyance is subject to taxes for 2006 and subsequent years; existing easements, restrictions, set-back lines, rights of way, and limitations, if any, of record; and any matters on record with the Office of the Judge of Probate of Shelby County, Alabama.

**TO HAVE AND TO HOLD** to Grantee, its successors and assigns, forever.

Grantors hereby covenants and agrees with Grantee, its successors and assigns, that Grantors, their heirs, executors, administrators, successors and assigns are lawfully seized in fee simple of the Property and that the Property is free from all encumbrances, unless otherwise noted above; that they have good right to sell and convey the same as aforesaid; that they will

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warrant and defend the Property against the lawful claims of all persons claiming by, through, or under Grantors, but not further or otherwise.

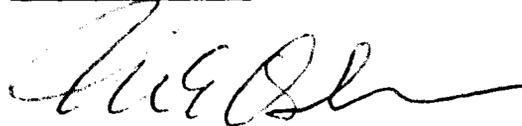
The Property does not constitute homestead of Mark Edward Osborn or his spouse.

The Property constitutes the "relinquished property" conveyed in connection with Grantors' deferred, like-kind exchange pursuant to I.R.C. §1031 as set out above.

Upon this conveyance, Grantee will own an undivided 1/2 interest in the Property. Balmoral Development owns the remaining undivided 1/2 interest in the Property pursuant to a separate deed.

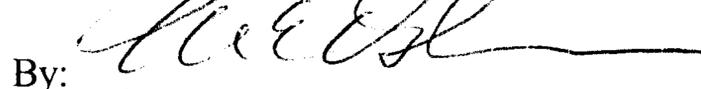
**IN WITNESS WHEREOF**, Grantors have caused this Exchange Statutory Warranty Deed to be executed as of the date first written above.

**GRANTORS:**



**MARK EDWARD OSBORN**

**3165 INVESTMENTS, LLC**



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

Name: Mark Edward Osborn

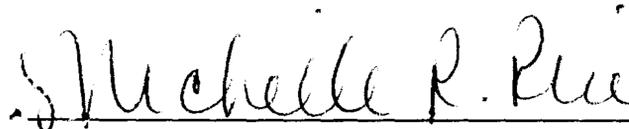
Its: Sole Member

STATE OF ALABAMA )

Shelby COUNTY )

I, the undersigned, a Notary Public, hereby certify that **MARK EDWARD OSBORN**, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand this the 18 day of January, 2006.



Notary Public

My Commission Expires: 2/17/07



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STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mark Osborn, whose name as Sole Member of **3165 INVESTMENTS, 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 Member, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand this 18 day of January, 2006.

Michelle R. Rie  
Notary Public  
My Commission Expires: 2/17/07

[NOTARIAL SEAL]

THIS INSTRUMENT PREPARED BY:  
Chervis Isom  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
420 North 20th Street,  
Suite 1600, Wachovia Tower  
Birmingham, Alabama 35203



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### Exhibit A

(Legal Description)

A parcel of land situated in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{2}$  of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West and run in a Westerly direction along the South line of said Section 1 a distance of 1369.37 feet to a point on the Westerly right-of-way line of a proposed road, said point also being the POINT OF BEGINNING of the parcel described herein; thence continuing along the last described course a distance of 595.99 feet to a point on the Easterly right-of-way line of Colonial Promenade Parkway as shown on the Final Plat of Colonial Promenade Alabaster Survey as recorded in Map Book 35, Page 102 A & B in the Office of the Judge of Probate, Shelby County, Alabama; thence 84 degrees 15 minutes 29 seconds to the right in a Northerly direction along said Easterly right-of-way line of Colonial Promenade Parkway a distance of 428.78 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 25.00 feet and a central angle of 86 degrees 31 minutes 11 seconds; thence along the arc of said curve in a Northerly, Northeasterly and Easterly direction (leaving said Easterly right-of-way line of Colonial Promenade Parkway) a distance of 37.75 feet to the P.T. (Point of Tangent) of said curve, said point lying on the Southerly right-of-way line of Jimmy Gould Drive as shown on the Final Plat of Colonial Promenade Alabaster Survey; thence tangent to said curve in an Easterly direction and along said Southerly right-of-way line of Jimmy Gould Drive a distance of 491.10 feet to a point, said point being the Southeasterly corner of said Jimmy Gould Drive as shown on the Final Plat of Colonial Promenade Alabaster Survey; thence continuing along the last described course (leaving said Jimmy Gould Drive) and along the extension of the Southerly right-of-way line of Jimmy Gould Drive a distance of 1.39 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 175.00 feet and a central angle of 17 degrees 14 minutes 19 seconds; thence along the arc of said curve in an Easterly direction and along said extension of the Southerly right-of-way line of Jimmy Gould Drive a distance of 52.65 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in an Easterly direction and along said extension of the Southerly right-of-way line of Jimmy Gould Drive a distance of 93.26 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 25.00 feet and a central angle of 86, degrees 33 minutes 37 seconds; thence along the arc of said curve in an Easterly, Southeasterly and Southerly direction a distance of 37.77 feet to the P.R.C. (Point of Reverse Curve) of a curve to the left having a radius of 875.00 feet and a central angle of 8 degrees 57 minutes 27 seconds, said point lying on the Westerly right-of-way line of a proposed through road; thence along the arc of said curve in a Southerly direction (leaving said extension of Jimmy Gould Drive) and along said Westerly right-of-way line of a proposed through road a distance of 136.80 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Southerly direction along said Westerly right-of-way line of a proposed through road a distance of 140.49 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 400.00 feet and a central angle of 32 degrees 07 minutes 48 seconds; thence along the arc of said curve in a Southerly and Southwesterly

direction and along said Westerly right-of-way line of a proposed through road a distance of 224.31 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama and run in a Westerly direction along the South line of said Section 1 a distance of 1562.42 feet to the POINT OF BEGINNING of the parcel herein described; thence continuing along the last described course and along said South line of said Section 1 a distance of 402.94 feet to a point on the Easterly right-of-way, line of Colonial Promenade Parkway as shown on the Final Plat of Colonial Promenade Alabaster Survey as recorded in Map Book 35, Page 102 A & B in the Office of the Judge of Probate, Shelby County, Alabama; thence 84 degrees 15 minutes 29 seconds to the right in a Northerly direction along said Easterly right-of-way line of Colonial Promenade Parkway a distance of 119.53 feet to a point; thence 91 degrees 43 minutes 23 seconds to the right in an Easterly direction (leaving said Easterly right-of-way line of Colonial Promenade Parkway) a distance of 103.43 feet to a point; thence 90 degrees 00 minutes to the left in a Northerly direction a distance of 10.39 feet to a point; thence 94 degrees 01 minutes 08 seconds to the right in an Easterly direction a distance of 322.80 feet to a point; thence 94 degrees 20 minutes 05 seconds to the right in a Southerly direction a distance of 136.93 feet to the POINT OF BEGINNING.

A portion of the subject property now being shown as Lots 1 and 2, Balmoral Phase I, as recorded in Map Book 36, Page 48, in the Probate Office of Shelby County, Alabama.

Situated in Shelby County, Alabama.

Shelby County, AL 01/19/2006  
State of Alabama

Deed Tax: \$835.00