

Send tax notice to:
52 Pelham, LLC
c/o Sam Sharp
400 Union Hill Drive, Ste. 300
Birmingham, Ala. 35209

This instrument prepared by:
Charles A. J. Beavers, Jr.
Bradley Arant Rose & White llp
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2104

STATE OF ALABAMA)
 :
SHELBY COUNTY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten Dollars (\$10.00) and other good and valuable considerations, in hand paid to **C&A ENTERPRISES, L.L.C.**, an Alabama limited liability company, **AWTREY INVESTMENT REALTY, LLC**, an Alabama limited liability company, and **COLE INVESTMENT REALTY, LLC**, an Alabama limited liability company ("Grantors") by **52 PELHAM, LLC**, an Alabama limited liability company ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, sell, and convey unto Grantee, subject to the matters hereinafter set forth, an undivided seventy-eight percent (78%) interest in and to the following described real estate (the "Property") situated in Shelby County, Alabama, to-wit:

Part of the southwest quarter of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Begin at the southeast corner of the southwest quarter of the southwest quarter of said Section 19; thence north 89° 26' 05" west a distance of 778.22 feet; thence with a curve turning to the right with an arc length of 339.33 feet, with a radius of 780.00 feet, with a chord bearing of north 20° 11' 30" east, with a chord length of 336.66 feet; thence with a curve turning to the left with an arc length of 153.46 feet, with a radius of 270.00 feet, with a chord bearing of north 16° 22' 20" east, with a chord length of 151.40 feet; thence north 00° 05' 23" east a distance of 622.22 feet; thence with a curve turning to the left with an arc length of 209.83 feet, with a radius of 270.00 feet, with a chord bearing of north 22° 10' 25" west, with a chord length of 204.59 feet; thence with a curve turning to the right with an arc length of 81.74 feet, with a radius of 330.00 feet, with a chord bearing of north 37° 20' 27" west, with a chord length of 81.53 feet; thence north 68° 44' 35" east a distance of 249.16 feet; thence south 00° 05' 23" west a distance of 202.89 feet; thence south 85° 27' 19" east a distance of 285.10 feet; thence north 04° 33' 49" east a distance of 244.99 feet to the southerly right-of-way of Shelby County Highway #52; thence along said right-of-way with a curve turning to the left with an arc length of 219.66 feet, with a radius of 1864.69 feet, with a chord bearing of south 74° 26' 58" east, with a chord length of 219.53 feet; thence along said right-

*All of the purchase price was paid from
the proceeds of a mortgage loan closed
simultaneously herewith.*

of-way with a curve turning to the left with an arc length of 128.83 feet, with a radius of 7797.80 feet, with a chord bearing of south 79° 26' 09" east, with a chord length of 128.83 feet; thence leaving said right-of-way south 01° 11' 07" west a distance of 450.25 feet; thence north 70° 07' 01" west a distance of 37.90 feet; thence south 00° 31' 35" west a distance of 935.34 feet; thence north 89° 34' 06" west a distance of 75.19 feet to the point of beginning.

LESS AND EXCEPT any part of subject property lying within a road right-of-way

TOGETHER WITH the rights and interests appurtenant to the Property pursuant to that certain Easement, Joint Use, and Maintenance Agreement recorded in Instrument #20040610000314520 in the Probate Office of Shelby County, Alabama

TOGETHER WITH the rights and interests appurtenant to the Property pursuant to that certain Declaration of Utility Easement recorded in Instrument #20040610000314500 in said Probate Office

This deed is executed as required by the Articles of Organization and Operating Agreement of each of Grantors, and same have not been modified or amended.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever; subject, however, to the following:

1. Ad valorem taxes for the 2006 tax year and thereafter
2. Easement to the City of Pelham as recorded in Instrument #1999-18784 and Instrument #1999-18785 in said Probate Office
3. Right-of-way granted to Alabama Power Company by instrument recorded in Volume 126, page 299, and Volume 126, page 301, in said Probate Office
4. Right-of-way to the State of Alabama recorded in Volume 300, page 708, in said Probate Office
5. Easement to the City of Pelham as recorded in Instrument #1999-12465, Instrument #1999-18781, and Instrument #1999-18782 in said Probate Office
6. Sanitary sewer easement and beneficial parcel recorded in Instrument #1999-12466 in said Probate Office
7. Less and except any portion of subject property lying within a road right-of-way
8. Any mineral and mining rights which are not owned by Grantors, if any, it being the intention of Grantors to convey only those mineral and mining rights to which Grantors have an interest or title
9. Terms and provisions of and rights of others in and to that certain Easement, Joint Use, and Maintenance Agreement (the "Easement Agreement") recorded in Instrument #20040610000314520 in said Probate Office

10. Terms and provisions of and rights of others in and to that certain Declaration of Utility Easement (the "Utility Easement") recorded in Instrument #20040610000314500 in said Probate Office
11. Terms and provisions of that certain Declaration of Real Property Restrictions, Covenants and Agreements among Grantors and Grantee dated of even date herewith and recorded simultaneously herewith
12. Grantor hereby reserves unto Grantor and Grantor's successors and assigns a non-exclusive easement for ingress, egress, and utilities, for the benefit of lands which Grantor currently owns or which Grantor might acquire in the future, over, under, and across the easements as described in the Easement Agreement and the Utility Easement, together with the right to dedicate said easements to the City of Pelham, Alabama, or such other governmental entity as may be appropriate for public use


[SIGNATURES ON FOLLOWING PAGE]




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Shelby Cnty Judge of Probate, AL
02/09/2006 03:06:16PM FILED/CERT

IN WITNESS WHEREOF, Grantors have caused these presents to be executed for and in their names by their duly authorized representatives on or as of the ~~X~~^{8th} day of February, 2006.


C&A ENTERPRISES, L.L.C.

By: 
Eugene K. Cole
Its Managing Member

AWTREY INVESTMENT REALTY, LLC

By: 
H. Albert Awtrey
Its Member

COLE INVESTMENT REALTY, LLC

By: 
Eugene K. Cole
Its Member

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Eugene K. Cole, whose name as Managing Member of C&A Enterprises, L.L.C., an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Member and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 8th day of February, 2006.

Eugene K. Cole
Notary Public

[NOTARIAL SEAL]

My commission expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 16, 2006
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that H. Albert Awtrey, whose name as Member of Awtrey Investment Realty, LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Member and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 7th day of February, 2006.

Cheryl R. Abbott
Notary Public

[NOTARIAL SEAL]

My commission expires: 1-26-07

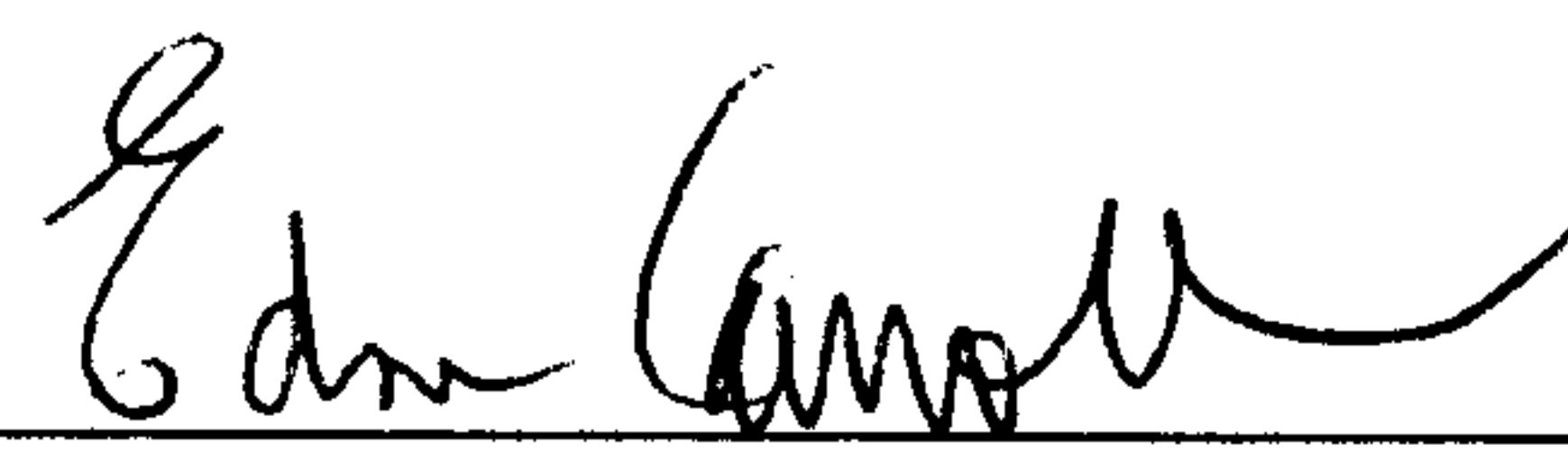


20060209000068210 6/6 \$28.00
Shelby Cnty Judge of Probate, AL
02/09/2006 03:06:16PM FILED/CERT

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Eugene K. Cole, whose name as Member of Cole Investment Realty, LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Member and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 8th day of February, 2006.



Notary Public

[NOTARIAL SEAL]

My commission expires **NOTARY PUBLIC STATE OF ALABAMA AT LARGE**
MY COMMISSION EXPIRES: May 16, 2006
BONDED THRU NOTARY PUBLIC UNDERWRITERS