

STATE OF ALABAMA )  
COUNTY OF SHELBY )

20060306000105340 1/3 \$128.50  
Shelby Cnty Judge of Probate, AL  
03/06/2006 04:14:37PM FILED/CERT

*After recording return to:*

Ray Thacker  
3838 Derby Downs Drive  
Tuscaloosa, Alabama 35405

*Value - 1,611,478.00*

## STATUTORY WARRANTY DEED

THIS DEED made and entered into as of this the 3<sup>rd</sup> day of March 2006, by and between **Harbert Properties Corporation**, an Alabama corporation, as Grantor, and **Valleydale Hospitality, LLC**, an Alabama limited liability company as Grantee.

### WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash, and other good and valuable consideration, this day in hand paid by the Grantee to the Grantors, the receipt and sufficiency of which is hereby expressly acknowledged by the Grantor, the Grantor has this day given, granted, bargained, sold, conveyed, and confirmed, and does, by these presents, give, grant, bargain, sell, convey and confirm, unto the Grantee, its successors and assigns, the following described real estate situated in the County of Shelby, State of Alabama, to-wit:

Lot 2C, according to A Resurvey of Lot 2, an Amendment to Resurvey of an Amendment to The Concourse at Riverchase, as recorded in Map Book 36, Page 91 in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns, the above-described lot or parcel of real property together with any and all, singularly and severally, the rights, privileges, tenements, hereditaments, appurtenances and improvements thereunto belonging, or in any wise appertaining, in fee simple forever, subject, however, to the following:

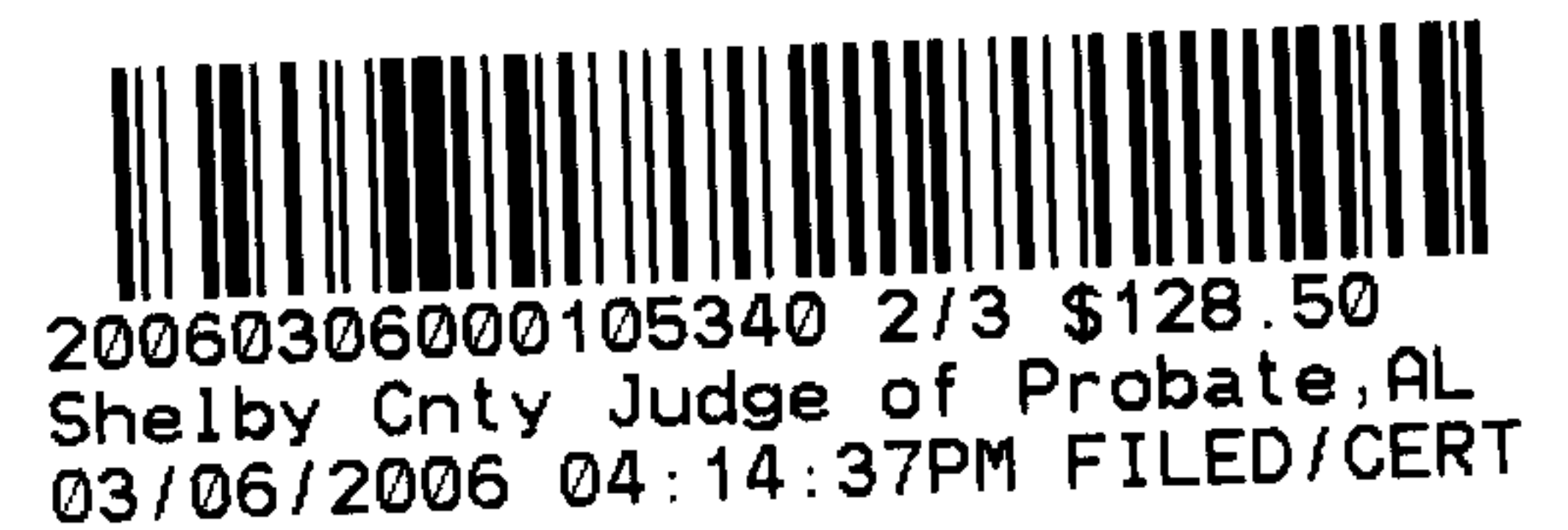
- (a) General and special taxes or assessments for 2006 and subsequent years not yet due and payable;
- (b) General and special taxes or assessments for the year 2005 and subsequent years not yet due and payable.
- (c) Building setback as shown by Map Book 13 Page 33, Map Book 13 Page 132, Map Book 14 page 20 & Map Book 18 Page 13.
- (d) Easements as shown by Map Book 13 Page 33, Map Book 13 Page 132, Map Book 14 page 20 & Map Book 18 Page 13.
- (e) Restrictions, covenants and conditions as set out in instrument(s) recorded in Misc. Book 13 Page 150, Misc Book 15 Page 189 and Misc. Book 15 Page 401 in the Probate Office.
- (f) Right(s) of Way(s) granted to South Central Bell by instrument(s) recorded in Real 303 Page 719 and Real 257 Page 172 in the Probate Office.

*1,500,000.00 of the purchase price was paid from the proceeds of a mortgage loan closed simultaneously herewith.*



- (g) Easement(s) to Alabama Power Company as shown by instrument recorded in Real 270 page 122 in the Probate Office.
- (h) 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 127 Page 140, Deed Book 269 Page 577, Deed Book 94 Page 349 in the Probate Office.
- (i) Restrictions, limitations, conditions and other provisions as set out in Map Book 13 Page 133, Map Book 13 Page 132, Map Book 14 Page 20 and Map Book 18 Page 13 in the Probate Office.
- (j) Land Use Agreement as set out in Misc. Book 19 page 69, as amended by Misc. Book 43 Page 82 and Real 16 Page 64 in the Probate Office.
- (k) Rights of others to use the easement described in the Declaration of Easement, dated 3/16/91 and recorded as Real 332 Page 637 in the Probate Office.
- (l) Rights of tenant(s) under any unrecorded lease(s).
- (m) Restrictions as set out in deed recorded as Real 208 Page 174 in the Probate Office.

All recording references herein are to records in the Office of the Judge of Probate of Shelby County, Alabama.



IN WITNESS WHEREOF, that the undersigned representatives of Harbert Properties Corporation, an Alabama corporation, have set their hands and seals as of this the 3<sup>rd</sup> day of March 2006.

**HARBERT PROPERTIES CORPORATION,**  
an Alabama corporation,

By: David A. Boutwell

Name: David A. Boutwell

Title: Vice President


ATTEST:

By: S. Perry Given Jr.

Name: S. Perry Given Jr.


Title: Secretary

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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that David A. Boutwell, as Vice President of Harbert Properties Corporation, an Alabama corporation, who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing conveyance he, as Vice President of Harbert Properties Corporation, an Alabama corporation, and with full authority, executed the same voluntarily as of the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 2nd day of March, 2006.

  
Notary Public

My Commission Expires: 12/05/09

Shelby County, AL 03/06/2006  
State of Alabama  
Deed Tax: \$111.50

THIS INSTRUMENT WAS PREPARED BY: S. PERRY GIVEN, JR. OF HARBERT MANAGEMENT CORPORATION, One RIVERCHASE PARKWAY SOUTH, BIRMINGHAM, ALABAMA 35244, TELEPHONE 205/987-5677.